

OFFICER JON GRUBBS

January 28, 2021

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JERRY BLASINGAME,)	
)	
Plaintiff,)	CASE NO:
)	1:19-CV-2047-SCJ
-vs-)	
)	
)	
OFFICER T. GRUBBS #6416,)	
and CITY OF ATLANTA/)	
ATLANTA POLICE DEPARTMENT,)	
)	
Defendants.)	
_____)	

VIDEOTAPED DEPOSITION OF OFFICER JON GRUBBS

(Pages 1 through 246)

(Via Video Conference)

Thursday, January 28, 2021

(9:00 a.m. to 4:10 p.m.)

Stenography Reported By:

Kendra B. James, RDR, CRR

Georgia Certified Court Reporter

January 28, 2021

APPEARANCES

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1 OFFICER JON GRUBBS,
2 having been first duly sworn, was examined and testified
3 as follows:

4 MR. JOHNSON: And we're all set on the video as
5 well.

6 THE COURT REPORTER: I'm not sure about video
7 recording, Mr. Radner.

8 MR. RADNER: Let's go off the record for a
9 second.

10 THE COURT REPORTER: Okay.

11 MR. RADNER: Thank you.

12 (Whereupon, a discussion was held off the
13 record.)

14 MR. JOHNSON: Okay. Sorry, folks. I thought we
15 ordered it. They did not get one, so we will be moving
16 forward. Thank you.

17 Madam Court Reporter, ready when you are.

18 THE COURT REPORTER: I'm ready.

19 MR. JOHNSON: Thank you.

20 Officer's already been sworn, correct?

21 THE COURT REPORTER: Yes, he has.

22 MR. JOHNSON: Thank you.

23 Let the record reflect this is the deposition of
24 Officer J. Grubbs taken pursuant to notice and will be
25 used for all purposes allowed under the Federal Rules of

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1 Civil Procedure and the federal rules of evidence.

2 I do want to indicate that we noticed the
3 deposition as video according to our notice. But
4 apparently, there was a glitch between us and the court
5 reporting service, so there is no videographer and we
6 will be moving forward without one.

7 Any objection to that, Counsel?

8 MS. MILLER: No.

9 MR. JOHNSON: Thank you.

10 CROSS EXAMINATION

11 BY MR. JOHNSON:

12 Q. Officer Grubbs, good morning.

13 A. Oh, good morning, sir.

14 Q. My name is Ven Johnson, sir. I represent
15 Mr. Blasingame in this incident and lawsuit.

16 Before we get started, just want to make sure we
17 have a general understanding of the deposition format.
18 Have you ever given a deposition before in any other
19 matter, sir?

20 A. No, I have not.

21 Q. Okay. But you have testified live in a
22 courtroom setting?

23 A. I have.

24 Q. A number of times?

25 A. That is correct.

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1 Q. Okay. So I'll take it that the question/answer
2 format, you're pretty familiar with. Correct, sir?

3 A. Yes, sir.

4 Q. And I do want to make sure that I'm referring to
5 you by your proper rank. Is it officer, sir, still?

6 A. Officer. That is correct.

7 Q. Thank you.

8 Just like in a courtroom setting, Officer,
9 obviously, you know the importance, of course, of the
10 oath that you've already agreed to, correct?

11 A. That is correct.

12 Q. Thank you, sir.

13 And then also without a judge or a jury, we're
14 going to be doing pretty much the same thing we would do
15 in court. Okay?

16 A. Okay.

17 Q. In other words, question/answer format and I
18 think that suffices in view of your past experiences. Do
19 you agree?

20 A. I do.

21 Q. Thank you, sir.

22 A little bit different, but it can happen in
23 live courtroom testimony as well. But in a deposition if
24 your counsel wants to voice an objection, she's certainly
25 entitled to do that at the conclusion of my question.

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1 And likewise, if she asks you questions, me of her.

2 If you see or sense that's going to happen, if
3 you kindly would pause in order for her to say what she
4 wants to say on the record. And then likely, she'll give
5 you an instruction, either answer the question or not,
6 and we'll go from there. Okay?

7 THE COURT REPORTER: Mr. Johnson, I believe we
8 might have a videographer on now.

9 THE VIDEOGRAPHER: Yeah, I apologize, sir. I
10 just got notification on this. Do you want this as a
11 video depo, Mr. Johnson?

12 MR. JOHNSON: Yes, please.

13 THE VIDEOGRAPHER: Okay. If you could just give
14 me one second just so I can fill out some quick
15 paperwork. Just one second, please. Thank you.

16 MR. JOHNSON: Thank you.

17 We're off the record, correct?

18 THE COURT REPORTER: Yes, we're off the record.

19 (Whereupon, a recess was taken.)

20 THE VIDEOGRAPHER: Okay. I apologize once
21 again. If everyone can stand by, I'll get us on the
22 record. Stand by, please.

23 We're here in the matter of -- excuse me. We
24 are now on the record. Participants should be aware that
25 this proceeding is being recorded. And as such, all

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1 conversations held will be recorded unless there is a
2 request and agreement to go off the record.

3 Private conversations and/or attorney-client
4 interaction should be held outside the presence of this
5 remote interface. For the purpose of treating a witness
6 on a video recording, the witness is being spotlighted
7 and all video screens are on speaker view. We ask that
8 the witness not remove the spotlight setting during this
9 deposition as it may cause other participants to appear
10 on a final video.

11 For anyone who doesn't want the witness video to
12 take up the large part of your screen, you may click the
13 gallery view button in the upper right corner of this
14 remote depo interface.

15 This is remote video recording deposition of
16 Joe (sic) Grubbs being taken by counsel for the
17 plaintiff. Today is January 28th, 2021 and the universal
18 time is 1419. My name is Shawn Capron, video technician
19 on behalf of U.S. Legal Support located remotely. I am
20 not related to any party in this action, nor am I
21 financially interested in the outcome.

22 At this time, our court reporter Kendra James on
23 behalf of U.S. Legal Support, please enter the statement
24 for this remote proceeding into the record.

25 THE COURT REPORTER: Pursuant to Article 8.B. of

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1 the rules and regulations of the Board of Court Reporting
2 of the Judicial Council of Georgia, I make the following
3 disclosure.

4 ,I Kendra James, am a Georgia certified court
5 reporter. I am here as an independent contractor for
6 U.S. Legal Support, Inc. U.S. Legal Support, Inc. was
7 contacted by the office of U.S. Legal Support, Inc. to
8 provide court reporting services for this deposition.
9 The firm will not be taking the deposition under any
10 contract that is prohibited at O.C.G.A. 15-14-37 (a) and
11 (b).

12 U.S. Legal Support, Inc. has an agreement to
13 provide court reporting services with U.S. Legal Support,
14 Inc., the terms of which are as follows: any and all
15 special rates and/or services are available to all
16 parties involved in this litigation.

17 Mr. Grubbs, would you please raise your right
18 hand.

19 JON GRUBBS,
20 having been first duly sworn, was examined and testified
21 as follows:

22 THE COURT REPORTER: Will you please state your
23 name for the record, please.

24 THE WITNESS: Jon Grubbs.

25 MR. JOHNSON: Officer Grubbs, we've already done

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1 this what I'll call the preamble.

2 And, Ms. Miller, any objection, that we'll just
3 rely on what we've already done and start moving forward
4 with the deposition now that we have the videographer?

5 MS. MILLER: No objection.

6 MR. JOHNSON: Thank you.

7 CONTINUED DIRECT EXAMINATION

8 BY MR. JOHNSON:

9 Q. Officer Grubbs, no problem from your end, sir?

10 A. No, sir.

11 Q. I appreciate you. Thank you. All right.

12 Officer Grubbs, can you tell me -- where do you
13 currently work?

14 A. I'm currently employed with the City of Atlanta
15 Police Department currently assigned to the Zone 5 field
16 investigations team.

17 Q. How long have you been employed by the ATL PD,
18 sir?

19 A. Seven years.

20 Q. So this being about early 2021, you got there
21 sometime in 2014, give or take?

22 A. December 2013, sir.

23 Q. Did you get there straight out of the academy?

24 A. Yes, sir.

25 Q. So you did -- were you employed by any other

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1 police agencies before you went to Atlanta?

2 A. No, I was not.

3 Q. What academy did you attend, sir, please?

4 A. Atlanta Police Academy.

5 Q. And when was -- from when to when was that?

6 Ballpark, please, Officer Grubbs.

7 A. I started the academy ballpark probably around

8 June of 2014 and I graduated December of 2014.

9 Q. So you were actually already employed by Atlanta
10 Police Department while you were at the academy; is that
11 how it worked for you?

12 A. Yes, sir.

13 Q. Okay. Thanks.

14 And you got out of the academy in just a --
15 we're obviously today, Officer Grubbs, going to be talk
16 about a number of topics, but one of them I'm guessing is
17 not surprising to you will be the Use of Force Continuum.
18 You're familiar with that phrase obviously.

19 A. Yes, sir. I am.

20 Q. Did you begin learning about the Use of Force
21 Continuum even in the academy, Officer?

22 A. Yes, sir.

23 Q. Okay. In the academy, were you trained, that
24 you can recall, about the use of body cams?

25 A. Not in the academy, no.

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1 Q. Okay.

2 A. And that is due to the fact that when I was in
3 the academy, we did not have body cameras.

4 Q. And in -- just in a review of stuff, I think I
5 saw something where body cams kind of came into Atlanta
6 Police Department sometime in the 2014 time frame.

7 Is that somewhat consistent with your
8 familiarity?

9 A. Not with my familiarity, no.

10 Q. Okay. All right. When did you start wearing
11 one?

12 A. I believe I started wearing a body camera maybe
13 sometime in mid to late 2017.

14 Q. '17. Okay.

15 So literally the year before the events we're
16 going to talk about here on July 10, 2018.

17 A. Okay. Yeah.

18 Q. Does that sound about right?

19 A. That sounds about right.

20 Q. Like what, the fall of 2017, something like
21 that?

22 A. I would estimate fall of 2017.

23 Q. Okay. We talked about the Use of Force
24 Continuum in the academy. Did you learn at all about the
25 use of on-dash cameras at all for patrol vehicles in the

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1 academy?

2 A. We learned about that mainly in field training.

3 Q. Okay. In the academy, were you trained at all
4 relative to the use of Tasers or otherwise known as
5 conductive electrical -- I can't read my own writing --
6 weapon -- there it is -- CEW?

7 A. Yes, I was.

8 Q. And just for purpose of today, Officer Grubbs,
9 so that I'm not saying that mouthful. You want me to
10 call it a Taser; you want me to call it CEW? What do you
11 call it?

12 A. I refer to it as a Taser.

13 Q. Thank you.

14 So I'll take it, in the academy, were you
15 trained on how to use a Taser?

16 A. I was.

17 Q. And when to use a Taser?

18 A. That is correct.

19 Q. And as part of the Use of Force Continuum that
20 we talked about that you even learned in the academy --
21 I'll take it, you were trained the circumstances of when
22 you can and when you can't use a Taser.

23 A. That is correct, sir.

24 Q. All right. When -- when we're talking about
25 even in the academy -- and I -- and forgive me because if

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1 you ask me about law school -- the difference being,
2 Officer, my law school was 30 some years ago. I don't
3 remember anything. So if you don't, tell me you don't.

4 But do you recall at all learning in the academy
5 at least generalities about the Atlanta Police
6 Department's pol- -- written policies and procedures as a
7 whole?

8 A. For the most part, yes.

9 Q. Okay. So for example, when I asked you about
10 use of force training in the academy, do you remember
11 reading the ATL Police Department policies and procedures
12 on use of force as part of that training?

13 A. I remember reading it, yes.

14 Q. Okay. Same question about the city's written
15 policies and procedures about a use of the Taser as well.

16 A. Yes, sir.

17 Q. Okay. And do you remember -- you may not be.
18 But do you remember being trained relative in the academy
19 about the city's Taser training about not supposed to use
20 it on elderly folks?

21 A. I do recall that part of the SOP.

22 Q. Okay. And SOP meaning standard operating
23 procedure or what does SOP mean?

24 A. Standard operating procedure. That is correct,
25 sir.

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1 Q. Are you aware -- and again, if you're not tell
2 me, please, Officer. Are you aware of any changes to the
3 use of force policy as a whole -- and I know that's a big
4 chunk.

5 But are you aware of any changes to the use of
6 force policy from the time of the academy until the time
7 of July 10, 2018 that we're going to talk about today?

8 A. No, I am not.

9 Q. How about specifics as it relates to the use of
10 the Taser; are you aware of any changes to that written
11 policy in that time frame?

12 A. No, sir.

13 Q. Okay. To the best of your knowledge, Officer
14 Grubbs, who is kind of the head honcho -- who's the
15 person in charge of implementing, changing, or making the
16 decision about those policies?

17 A. Those would normally be a combination of the
18 command staff and the training academy as long as they
19 get their guidance from Georgia POST as well.

20 Q. Georgia POST is what?

21 A. That's the Police Officers Standards and
22 Training organization which licenses all officers in the
23 State of Georgia.

24 Q. Did you -- or have you received any direct
25 training from Georgia POST from the time of the academy

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1 until even today?

2 A. Not due -- yes, I have. I received training
3 from Georgia POST.

4 Q. And can you tell me when for the first time, to
5 the best of your memory?

6 A. The first training was maybe around 2015.

7 Q. Okay. You go there, they come to you? Where --
8 how did that work?

9 A. This particular training was held at Georgia
10 Tech University.

11 Q. Sure.

12 Do you remember what was covered, the topics, if
13 you will?

14 A. This particular training was a death
15 investigations course.

16 Q. Okay. Anything to do with the use of Taser?

17 A. No.

18 Q. Or a body cam, slash, on-dash camera?

19 A. No, sir.

20 Q. Or use of force?

21 A. No, sir.

22 Q. Okay. Next time you went to Georgia POST -- let
23 me just go to the topics I just asked you about, use of
24 force, Taser, body cam, slash, on-dash camera.

25 Any training that you got directly from Georgia

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1 POST on those topics?

2 A. No, sir.

3 Q. The chief officer, if you will, that's in charge
4 of the Atlanta Police Department today is who?

5 A. I believe that is Interim Chief Rodney Bryant.

6 Q. B-r-y-a-n-t?

7 A. That is correct.

8 Q. And who was the chief before Chief Bryant?

9 A. That would have been Chief Erika Shields.

10 Q. When did she leave, to the best of your memory?

11 A. I believe she left the department in July or
12 August of 2020.

13 Q. Right.

14 And was that right after the shooting of the --
15 of the gentleman at the...

16 A. At the Wendy's, yes. That is correct.

17 Q. Wendy's. Thank you.

18 And I certainly do not want to refer to him as
19 the gentleman at the Wendy's. Remind me of his name,
20 please.

21 A. I believe it was Mr. Rayshard Brooks.

22 Q. And then I'll take it that -- has Mr. -- or
23 Chief Bryant -- Interim Chief Bryant been in place then
24 from the time that Chief Shields left, sir? To the best
25 of your knowledge.

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1 A. To the best of my knowledge, yes, sir.

2 Q. Thank you.

3 Do you know when Chief Shields took that
4 position roughly, Officer Grubbs?

5 A. It was in the neighborhood of -- to the best of
6 my knowledge, maybe around 2017.

7 Q. Okay.

8 A. I'm not a hundred percent sure on that, though.

9 Q. I appreciate that.

10 The date we're going to be talking about today
11 obviously is July 10, 2018. So at the time of the
12 incident that you were involved with, with
13 Mr. Blasingame, was Chief Shields in charge at that time?

14 A. I do believe that she was, sir.

15 Q. Okay. To the best of your knowledge, was she
16 the person, in essence, who was in charge of implementing
17 the policies and procedures if you had to choose one
18 person?

19 A. Yes, sir. I would say so.

20 Q. All right. In the academy, Officer Grubbs, do
21 you remember discussing various cases -- and I mean by
22 that a lawsuit or a criminal matter -- where the use of
23 force was discussed and some cases may have been utilized
24 for you folks to discuss and understand the law, if you
25 will?

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1 A. I do remember some cases that were discussed.

2 Q. Okay. Do you have any memory at all of a case
3 that's called Tennessee versus Garner where an officer
4 shot an escaping person from a -- some type of a breaking
5 and entering in the middle of the back?

6 A. I do recall that case, yes.

7 Q. And -- and do you recall, generally speaking, in
8 Tennessee versus Garner that the United States Supreme
9 Court said that under the circumstances that existed in
10 that situation, that was not something that was allowed
11 to occur?

12 A. I don't recall the specific details of the court
13 ruling --

14 Q. Okay.

15 A. -- at this moment, but...

16 Q. Just as a general rule, would you agree with me
17 that shooting somebody in the back is generally speaking
18 not something that you would attempt to do?

19 MS. MILLER: Objection.

20 But you can answer.

21 THE WITNESS: Generally speaking, I would agree
22 with that.

23 Q. (By Mr. Johnson) Okay. Obviously, everything
24 depends on the circumstances, correct, Officer Grubbs?

25 A. Yes, sir.

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1 Q. And are you aware as part of maybe even from the
2 academy -- if you don't and -- we're going to get into
3 the policies and procedures a little bit later.

4 But do you remember basically learning in the
5 academy, being specifically taught, that under most
6 circumstances, an officer would not and should not shoot
7 somebody fleeing in the middle of the back?

8 A. I do.

9 Q. In essence without belaboring the point, a big
10 broad overview. Because if they're running away from
11 you, assuming that they're not shooting at you or
12 otherwise, that they're less of a threat?

13 A. Yes. That is correct.

14 Q. Do you remember being trained, even in the
15 academy, that in Tennessee versus Garner, that one of
16 the -- we call it holdings, h-o-l-d-i-n-g -- one of the
17 holdings in the case is that an officer under the law is
18 required to give a verbal warning to a suspect before
19 utilizing deadly force if feasible?

20 MS. MILLER: Objection.

21 But you can -- you can answer.

22 THE WITNESS: I do not recall that specifically
23 from the academy.

24 Q. (By Mr. Johnson) Okay. I'll take it, that is a
25 rule that you're familiar with?

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1 A. I am familiar with it more as if it can be done.
2 But it is not a requirement for us to do.

3 Q. Okay. Are you familiar that, under United
4 States federal law before utilizing deadly force, that an
5 officer must give a verbal warning if it's feasible to do
6 so without placing himself or others in danger?

7 A. No, sir. I'm not familiar with that under
8 federal law.

9 Q. Okay. No one has ever trained you from the date
10 of the academy through even today with the Atlanta Police
11 Department that under the law, you must give a suspect a
12 verbal warning in feasible as long -- before utilizing
13 deadly force as long as it doesn't put you or others in
14 imminent risk of danger?

15 A. I --

16 MS. MILLER: Same objection.

17 But you can answer that.

18 THE WITNESS: No, I am not familiar with that
19 under federal law.

20 Q. (By Mr. Johnson) Yes, sir.

21 But I'm saying you never heard that, that's the
22 law from anybody that was training you by way of the
23 Atlanta Police Department.

24 A. I have heard of that under a -- more the
25 umbrella of it being a policy if feasible. I was not

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1 aware of it being part of federal law.

2 Q. Okay. I'll take it, that very thing that I've
3 now mentioned two or three times about the giving the
4 verbal warning, you understand that that, even as of
5 July 10 2018, was, in fact, the policy and procedure of
6 Atlanta Police Department.

7 A. Yes.

8 Q. When you got out of the academy and first
9 started working for the police department as a graduated
10 cadet, if you will -- so late 20- -- what did we say?

11 A. That would be like --

12 Q. Yeah.

13 What did you do -- what was your assignment, if
14 you would, please, Officer Grubbs?

15 A. Upon being sworn in as a police officer, my
16 first assignment was to field training in which I rotated
17 through Zone 4, Zone 2, and Zone 5 for the field
18 operations division.

19 Q. And the zones that we're talking about, is that
20 like a particular area of the City of Atlanta?

21 A. Yes, sir. Specific geographic areas.

22 Q. Okay. And on July 10, 2018, were -- was that
23 considered Zone 2, 4, or 5?

24 A. The specific incident location was Zone 3.

25 Q. Zone 3. Okay.

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1 As part of your field training, were you a
2 patrol officer? What -- what else -- what else can you
3 tell me about what you were doing initially upon
4 graduation?

5 A. Upon being sworn in was a field training
6 officer. I was assigned to specific field training
7 officers or FTOs in those specific geographic zones
8 for -- I guess, you could classify it as further
9 on-the-job training.

10 Q. Yes, sir.

11 And what kind of -- what -- how would you
12 describe what you were doing other than in field
13 training?

14 A. You know, so actually, putting pen to paper.
15 Actually executing real-life traffic stops, responding to
16 real-life calls for service, making real physical
17 arrests, citations, and such.

18 Q. Okay. And then if you will, let's progress kind
19 of to the next step. When did you kind of finish, if you
20 will, field training in Zones 2, 4, and 5 roughly,
21 please, sir?

22 A. That would have been 12 weeks roughly -- yeah,
23 roughly 12 to 14 weeks after being sworn in. And from
24 that point on, I was assigned to Zone 5 morning watch as
25 a patrol officer.

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1 Q. And about morning watch, tell me what that
2 means.

3 A. That's just a night shift. That's the overnight
4 hours.

5 Q. Well, being from Detroit and the car plants, we
6 call it the graveyard shift.

7 A. Uh-huh.

8 Q. Was that kind of what the newer officers got or
9 that's just kind of what you got?

10 A. Most new officers go to a evening or afternoon
11 shift or a morning watch.

12 Q. Okay.

13 A. That's what most new officers do.

14 Q. And you were doing patrol; like, you had a
15 patrol vehicle and so forth?

16 A. Yes, sir. A patrol vehicle responding to calls
17 for service.

18 Q. Yes, sir.

19 How long did you do that, please?

20 A. I was on morning watch for a little over a year.

21 Q. Okay. That takes us into 2016 sometime,
22 correct, Officer Grubbs?

23 A. Yes, sir.

24 Q. And then when -- what -- what -- if you can --
25 the best you can kind of help us out, a month, if you

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1 will. What month of 2016 did you go on to the next
2 assignment? Roughly, please, sir.

3 A. I would say maybe February --

4 Q. Okay.

5 A. -- of 2016, I went to the midtown crime
6 suppression unit.

7 Q. Midtown I can figure out. Crime suppression
8 unit means what?

9 A. That is just a type of patrol officer that is
10 engaging in more proactive enforcement for criminal
11 activities and trafficking enforcement.

12 Q. Okay. Can you help me to better understand the
13 first part of that when you say "more active"?

14 A. Not responding to regular calls for service --

15 Q. Okay.

16 A. -- traffic accidents, noise complaints, things
17 of that sort.

18 Q. Okay.

19 A. Specifically being there for emergency calls and
20 then engaging in that proactive enforcement.

21 Q. Okay. So the emergency calls, that could be
22 even non-potential criminal activity just where there's a
23 911 call, someone's injured, and you go.

24 A. Yes, sir.

25 Q. All right. Were you -- are you -- you're CPR

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1 obviously; CPR trained, right, sir?

2 A. Yes, sir. CPR, first aid, AED.

3 Q. And then did you learn that in the academy?

4 A. Yes, sir. I did.

5 Q. Were you certified in any of that before the
6 academy?

7 A. I was.

8 Q. When did you first become certified in CPR or
9 any type of emergency first aid, please?

10 A. Probably around 2005 would be my first
11 certifications.

12 Q. All right. I'll go back into that when we kind
13 of finish the resume, if you would.

14 So you were doing the -- from February 2016
15 roughly, the crime support unit and the patrol officer,
16 you did that for how long before the next kind of move,
17 if you would, please, Officer Grubbs?

18 A. I did that through the summer of 2016.

19 Q. Okay.

20 A. And then probably around August or September of
21 2016, I went back to morning watch patrol.

22 Q. Okay. What zone?

23 A. Zone 5 still.

24 Q. How long did you do that?

25 A. I stayed there until around January of 2017.

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1 Q. Okay. And when -- and then went on where then?

2 A. I went to a larceny from automobile unit.

3 Q. How long did you do that?

4 A. I stayed there till -- let's see. Maybe around
5 May or June of 2017.

6 Q. Okay. Then where'd you go?

7 A. Back to the midtown crime suppression unit.

8 Q. How long there that time?

9 A. I stayed there until April of 2018.

10 Q. So almost a year, correct?

11 A. That is correct.

12 Q. So in April of 2018, where did you go?

13 A. I was assigned to the Zone 5 field
14 investigations team.

15 Q. And "field investigation" means what?

16 A. That is just -- it's similar to a crime
17 suppression unit --

18 Q. Okay.

19 A. -- but more focusing on undercover operations,
20 things of that sort.

21 Q. Okay. How long did you remain in that position
22 roughly?

23 A. I am still currently in that position.

24 Q. So from -- you've been in that position from
25 April of '18 through the present time.

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1 A. That is correct.

2 Q. Going on three years here, if my math is okay.
3 Correct?

4 A. Yes, sir.

5 Q. That's obviously, then, what you were doing --
6 or at least that's where you were assigned to as of
7 July 10, 2018.

8 A. That is correct, sir.

9 MR. JOHNSON: I apologize, folks, but I need a
10 two-minute bathroom break. I'm going to fill it up with
11 coffee. So be right back. Thank you very much. Off the
12 record.

13 THE VIDEOGRAPHER: We're going off the record.
14 Universal time is 1447. We're now off the record.

15 (Whereupon, a recess was taken.)

16 THE VIDEOGRAPHER: All right. Stand by, please.

17 We are now back on the record. The universal
18 time is 1455.

19 Q. (By Mr. Johnson) Officer Grubbs, what year did
20 you graduate high school?

21 A. 2008.

22 Q. Do you go on to college?

23 A. I did.

24 Q. All right. Did you get a degree?

25 A. I'm still working at it, actually. But I did do

January 28, 2021

1 five.

2 Q. Okay. You did five years?

3 A. Yes, sir.

4 Q. What did you study?

5 A. Criminal justice and sociology.

6 Q. How close are you to a degree?

7 A. Three credits.

8 Q. Were you -- did you work at all during high
9 school?

10 A. I did.

11 Q. College?

12 A. No, sir. Not in college.

13 Q. How about after college, but before going to the
14 academy in 2013?

15 A. No, sir.

16 Q. Okay. So -- five years. So it's '13 -- so
17 2013-ish, you apparently left college.

18 A. I left college the summer of 2012, I believe.

19 Q. Then -- and then what did you do?

20 A. I went back home.

21 Q. And what did you do professionally?

22 A. I was not working at the time.

23 Q. Okay. All right. In terms of home, in a state?

24 A. Michigan.

25 Q. Is that where you grew up?

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1 A. Yes, it is.

2 Q. Detroit area?

3 A. Ann Arbor.

4 Q. Okay. So you knew what I was talking about when
5 I was talking about the snow earlier after the record.

6 A. Very well.

7 Q. No wonder you're in ATL, Officer Grubbs. I hear
8 you. All right.

9 So then when did you go back to -- or when did
10 you go to Atlanta, then, for the first time after coming
11 back home in 2012?

12 A. I began the recruiting process for Atlanta
13 police sometime in early 2013.

14 Q. I wrote down that you finished the academy,
15 what, in December of 2013 and then started at --
16 somewhere around after being sworn in late 2013 or
17 January 2014. Does that sound right?

18 A. I was hired in December of 2013 --

19 Q. Okay.

20 A. -- and I graduated the academy in December of
21 2014.

22 Q. All right. Oh, I see you -- you did your
23 undergraduate studies at Western.

24 A. That is correct.

25 Q. Then I was -- well, you're much younger than me.

January 28, 2021

1 I was -- I went to Kalamazoo College. So you know where
2 that is.

3 A. Right next door.

4 Q. Yes, sir. All right.

5 To be fair, you never completed your degree at
6 Western, correct?

7 A. That is correct.

8 Q. Do you remember telling the folks in the
9 application that you did get your degree from Western?

10 A. Yes.

11 Q. Why -- why did you lie on your application,
12 Officer?

13 A. I'm sorry?

14 Q. Why did you lie to them and tell them you got a
15 degree in criminal justice when you didn't?

16 A. On which application?

17 Q. Your application with Atlanta.

18 A. On my application, I believe it's listed that I
19 attended there. I don't recall ever saying that I had a
20 degree.

21 Q. Okay. So if it says, "Was degree awarded,
22 yes/no," and you wrote, "Yes," you would agree with me
23 that that's not true.

24 A. I would.

25 Q. Were there any disciplinary problems in college?

January 28, 2021

1 A. I received -- I went before a student dean at
2 one point.

3 Q. For what?

4 A. A roommate dispute.

5 Q. Did you receive any discipline?

6 A. Not that I recall.

7 Q. Were you ever suspended or kicked out of school?

8 A. No.

9 Q. Was it kind of always in your -- back of your
10 mind, Officer Grubbs, that you wanted to be a police
11 officer?

12 A. Yes.

13 Q. Where do you think that comes from?

14 A. Family.

15 Q. You have family who are police officers?

16 A. Yes, and retired.

17 Q. Okay. What agencies?

18 A. Atlanta police, Detroit police, Michigan State
19 Police.

20 Q. Any military service?

21 A. For me?

22 Q. Yes, sir.

23 A. No, sir.

24 Q. Have you ever been convicted of any crimes?

25 A. No, sir.

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1 Q. After working for the Atlanta Police Department,
2 have you ever been disciplined at any time for any
3 reason?

4 A. Yes.

5 Q. What's the first time you've ever been
6 disciplined by the Atlanta Police Department?

7 A. I do not recall what the first time was.

8 Q. Can you tell me what it was about?

9 A. The first time may have been some type of
10 written reprimand. I don't recall what the first time
11 was.

12 Q. You don't remember what the circumstances were
13 about?

14 A. I do not.

15 Q. Okay. How about the second time or the next
16 time?

17 A. No, sir.

18 Q. You didn't -- you have no other discipline or
19 you don't have any memory of what -- there was a second
20 one, you don't recall what it was?

21 A. I don't recall what the second would have been.

22 Q. Was it a written reprimand?

23 A. It's possible. I just don't -- I don't recall.

24 Q. Is there a third?

25 A. There could be. I don't know.

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1 Q. Were you ever disciplined as a result of the
2 events that we're going to be talking about, July 10,
3 2018?

4 A. No, sir. I have not received any discipline.

5 Q. Have you ever received any type of
6 commendations?

7 A. Yes, I have.

8 Q. How many?

9 A. Around eight, I believe.

10 Q. Did you receive any type of commendations for
11 anything to do with the events of July 10, 2018?

12 A. No, sir.

13 Q. On July 10, 2018, Officer Grubbs, I think these
14 events took place somewhere in the early afternoon
15 somewhere around 2:30, 2:35. Does that sound about
16 right?

17 A. That sounds correct, sir.

18 Q. Can you tell us, if you would please, what --
19 what was your -- what was your shift that day?

20 A. That day would have most likely been 10:00 a.m.
21 to 8:00 p.m.

22 Q. And based on what you told us, you were working
23 Zone 5 as part of the field investigation folks, correct?

24 A. That is correct.

25 Q. At any time before July 10, 2018, had you ever

January 28, 2021

1 had any interaction that you're aware with
2 Jerry Blasingame?

3 A. Not that I'm aware of.

4 Q. Are you aware of anybody else that had
5 interaction at all with Jerry Blasingame before that day?

6 A. No, sir.

7 Q. Before that day of July 10 of 2018, had you ever
8 been involved as part of your police duties, Officer
9 Grubbs, with folks that you suspected and/or otherwise
10 may have learned to be suffering from mental illness?

11 A. I do believe so, yes.

12 Q. Folks that may have been, to the best of your
13 knowledge, homeless?

14 A. Yes, sir.

15 Q. Folks who, to the best of your knowledge,
16 whether you believed or otherwise knew, might have had
17 some problem with drugs or alcohol?

18 A. Yes, sir.

19 Q. Okay. I'll take it, any one of those topics --
20 mental illness, homelessness, drugs and alcohol -- for a
21 police officer even on for about three, four years of
22 yourself as -- as you were then back in July of 2018,
23 those are pretty common things that you come into contact
24 with.

25 A. Yes, sir.

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1 Q. And I know that you're aware and I'm sure you'll
2 agree that even those folks -- I mean, they -- they
3 obviously have the same rights as anybody that doesn't
4 have those issues in their lives.

5 A. Of course.

6 Q. In your experience, then, in the ATL police
7 department, did you officers have any particular names or
8 name that you called folks who were suspected to be
9 mentally ill?

10 A. Not that I am aware of.

11 Q. Okay. And let me give you an example. Here in
12 the City of Detroit, the DPD officers were -- refer to
13 those folks as "mentals."

14 Have you ever heard of that name or any other
15 name associated with folks who are suspected to be or
16 have -- may suffer from mental illness?

17 A. No, sir.

18 Q. How about folks who are homeless or suspected to
19 be homeless; did you have -- was there any type of a name
20 that was associated with that?

21 A. No, sir.

22 Q. How about folks who panhandled or otherwise
23 begged for money; was there any particular name that you
24 were aware of that Atlanta police officers referred to
25 those folks as?

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1 A. Just panhandlers.

2 Q. Okay. How about folks who were suspected to
3 have issues with drugs or alcohol; was there any name or
4 names that were typically used to describe those folks?

5 A. No, sir.

6 Q. At any time from when you started with ATL, even
7 through today, have you ever just discharged your firearm
8 in the course and in the scope of your duties? Other
9 than for training obviously.

10 A. No, sir.

11 Q. How about your Taser; at any time other than
12 July 10, 2018 after you had been working as a sworn
13 officer through today, have you utilized your Taser in
14 the line of duty?

15 A. Yes, I have.

16 Q. Are you aware of how many times you've used your
17 Taser?

18 A. I am not.

19 Q. Do you believe it's more than ten?

20 A. I'm not sure of the exact number. I know that
21 it has been a number of times.

22 Q. Had you used your Taser in the line of duty at
23 any time before July 10 of 2018?

24 A. Yes, sir. I had.

25 Q. Okay. In -- after you started as a sworn

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1 officer in late '13 or early 2014, when do you recall
2 receiving a Taser for the first time?

3 A. I had received my Taser in the training academy
4 is when it was issued to me.

5 Q. Okay. And I'll take it, then, you received more
6 training, then, after the academy.

7 A. Yes, sir.

8 Q. Can you tell me again from, let's say, early
9 2014 when you first were sworn as an officer until July
10 of 2018 -- so what is that, just about four years, four
11 and a half years -- were you given training -- specific
12 training on the use of Tasers in that time period?

13 A. Yes, I was.

14 Q. Are you able to tell me, Officer Grubbs, like,
15 was it one or more times per year that you did?

16 A. I believe it would be once per year.

17 Q. And typically, during -- for that Taser training
18 once per year, who would give you that training?

19 A. Actually, correction on that also, sir. So that
20 would -- probably between that time period would have
21 been five times that I received additional training. And
22 that training is normally conducted by the training
23 academy staff.

24 Q. From Atlanta PD training staff?

25 A. Yes, sir.

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1 Q. Okay. Not necessarily from Taser International
2 themselves?

3 A. No, sir.

4 Q. Okay. And I want to better understand your
5 answer. You think that you had been -- received after
6 the academy as you're a sworn officer, like,
7 approximately five more Taser trainings, if you will,
8 from January of 2014 until July 10, 2018. Did I
9 understand that right?

10 A. That is correct.

11 Q. Okay. Are you looking for something to refresh
12 your memory on that?

13 A. No, sir. Just -- that was my training
14 recollection.

15 Q. Okay. Do you have any papers in front of you?

16 A. Just a notepad.

17 Q. Okay. Is there anything now on that notepad or
18 stuff that -- that's just there for you to take notes?
19 Or what is -- what -- what's that on the notepad?

20 A. Just notes and a couple of dates.

21 Q. Okay. What are those notes from?

22 A. Just from today.

23 Q. During the deposition itself?

24 A. Yes. I have a couple of specific dates and your
25 name.

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1 Q. Okay. Did you have any notes or those dates
2 written down on that paper before the deposition?

3 A. No.

4 Q. Tell me the dates you wrote down just so I know
5 what we're talking about.

6 A. July 10th, 2018 --

7 Q. Yes, sir.

8 A. -- 9/21/2018, and January 3rd, 2019.

9 Q. Okay. July 10, 2018, we've had -- obviously,
10 that's the date of the incident with Mr. Blasingame.
11 Correct?

12 A. That is correct.

13 Q. September 21 2018, what's the significance of
14 that date, about two months or so after the incident with
15 Mr. Blasingame?

16 A. That was my statement to internal affairs.

17 Q. Okay. Was that the first time you'd given --
18 given them a statement?

19 A. Yes, it was.

20 Q. Okay. And January 3, 2019, what's the
21 significance of that date?

22 A. That was when I was returned to full duty.

23 Q. I'll take it, you were suspended with pay at or
24 about the time of the incident on July 10, 2018?

25 A. That is correct.

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1 Q. And then you would have been returned to duty,
2 then, you said 1/3/19. So you were suspended, then,
3 through really 1/2/19, correct?

4 A. Yes, sir.

5 Q. So just shy of seven months. Does that sound
6 about right?

7 A. That sounds correct, sir.

8 Q. What did you do for those seven months while you
9 were suspended with pay in terms of your employment, sir?

10 A. I was assigned to administrative duties.

11 Q. And the -- like what?

12 A. Taking reports over the phone, fleet management,
13 things of that sort.

14 Q. Okay. And since your reinstatement January 3,
15 2019, you have not suffered any other type of discipline
16 or anything else as a result of this incident, as we've
17 previously discussed, correct?

18 A. No, sir.

19 Q. So there is no ongoing investigation through the
20 present time relative to these events, is there?

21 A. I can't speak to that specifically.

22 Q. Okay. Well, seems to me you'd know, wouldn't
23 you, Officer Grubbs?

24 A. Is there still an ongoing investigation with
25 internal affairs? I'm not a hundred percent sure. You'd

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1 have to ask them.

2 Q. Okay. Who do you think is in charge of that
3 investigation from internal affairs?

4 A. I do not know.

5 Q. Okay. Well, I guess -- is it your belief, then,
6 that internal affairs to this date is continuing to
7 investigate that even though you've already been
8 reinstated in full?

9 A. I'm -- honestly do not know, sir. I have not
10 received a disposition from internal affairs and nor have
11 I received any further contact from internal affairs.

12 Q. What's "disposition" mean?

13 A. Disposition reference their investigation for
14 this incident.

15 Q. You mean like a report?

16 A. Yeah, if you'd like to call it that. A report
17 as to their findings.

18 Q. So you're saying through the present time,
19 despite the passage of over two and a half years, you've
20 not received any type of a report -- an official report
21 from internal affairs about their investigation into you.

22 A. That is correct.

23 Q. And is that something that you understand that
24 internal affairs is supposed to give you if a report --
25 an investigation is completed?

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1 A. That is my understanding. Yes, sir.

2 Q. Well, have you asked anybody about why it is you
3 haven't got that report?

4 A. I have.

5 Q. Who?

6 A. I have had contact with a Detective Clayton, a
7 Sergeant Dean.

8 Q. What did they tell you?

9 A. That it was still going through the chain of
10 command.

11 Q. When's the last time you had contact with either
12 one of those folks or anybody else from internal affairs
13 to try to figure out what -- where that process is?

14 A. I had contact with both of those individuals
15 maybe within the last week or two.

16 Q. Well, to the best of your knowledge -- and I
17 know you're not an internal affairs guy. But at least
18 from your understanding, one of the goals of an internal
19 investigation is to figure out whether you violated the
20 policy and procedure of the department as you understand
21 it, correct?

22 A. That is correct, sir.

23 Q. So it seems to me after two and a half years,
24 you would like to think that that would be done by now,
25 right?

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1 A. That is correct.

2 Q. And from your perspective, I'm guessing you know
3 that there's supposed to be -- there is, in fact, a
4 policy and procedure on how much time that's supposed to
5 take under normal circumstances. Correct?

6 A. That is also correct.

7 Q. What is your understanding of that time frame?

8 A. My understanding a general citizen's complaint
9 is supposed to be dispositioned within 180 days.

10 Q. Which is six months, right?

11 A. That is correct.

12 Q. Six months from July 10, 2018 is January 10,
13 2019. So they're way past that, right?

14 A. Yes, sir.

15 Q. I mean, from your perspective, I'll take it,
16 Officer Grubbs, you think that should be done by now.
17 Right?

18 A. I would -- I would be in agreeance with that.
19 Yes, sir.

20 Q. Have you filed any type of grievance or anything
21 with a union or anybody to try to push that along?

22 A. I have not.

23 Q. Are you aware of any other internal affairs
24 investigation relative to any other officer that's taken
25 this long ever in Atlanta Police Department history?

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1 A. I know that there have been officers that have
2 been under investigation for significantly longer periods
3 of time.

4 Q. Okay. As long as you?

5 A. Longer, sir.

6 Q. Okay. Did they involve use of force in
7 situations like you?

8 A. I do believe so.

9 Q. Well, so you sit here two and a half years later
10 and you don't know if your own department is taking the
11 position or not as to whether you violated their own
12 policies and procedures.

13 A. That is correct, sir.

14 Q. So let's just say when -- there's -- that it --
15 that one or two things that could happen. A, the
16 internal affairs completely clears you of all vio- -- any
17 alleged violations. That's one possibility, right?

18 A. Yes, sir.

19 Q. The other possibility is that they could say --
20 or find that you violated one or more of the policies,
21 correct?

22 A. That is correct.

23 Q. Are you aware of -- I mean, the events of that
24 day obviously existed because we talked about two and a
25 half month -- years ago, right?

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1 A. Yes, sir.

2 Q. So nothing's changed since that date, right?

3 A. That is correct.

4 Q. And you wrote your report about what happened at
5 or about that day. We'll go over that report in a
6 minute. But you did it right then, right?

7 A. That is correct.

8 Q. The next time that you ever gave any type of
9 information exactly about what happened and so forth,
10 would that have been that 9/21/18 internal affairs
11 statement that you referenced?

12 A. That is correct.

13 Q. So we got the report on the day of or so. We
14 got the IA statement on -- two months later 9/21. You
15 haven't given any other statement other than this
16 deposition here today?

17 A. No, sir.

18 Q. Obviously, you've never been formally charged
19 with any criminal law violation as a result of this,
20 correct?

21 A. That is correct.

22 Q. Okay. So I guess my question to you is -- I'm
23 guessing your -- nothing's changed since the date of this
24 incident, right?

25 A. Not much. That is correct, sir.

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1 Q. Either you did or you didn't violate the policy,
2 right?

3 A. Yep. That is correct.

4 Q. All right. And if you did violate one or more
5 of the policies, it would certainly be, from your
6 perspective, only right and fair to give you notice of
7 that in writing so you know what they claim you did
8 wrong.

9 A. Yes, sir. That is correct.

10 Q. And likewise, it would only be fair to you --
11 and actually the other officers on the force. So if they
12 think you did one -- or violated one or more of these
13 policies, the other officers and you would learn as to
14 what the department thinks you did wrong, right?

15 A. Yes, sir. That's correct.

16 Q. That would help you and/or others -- maybe
17 not -- not saying that you did anything wrong for
18 purposes of my question.

19 But that would give you and the other officers
20 valuable information as to what to do or not do in future
21 circumstances, agreed?

22 A. Yes, sir.

23 Q. Perfect example. If the department takes the
24 position in the internal affairs investigation Officer
25 Grubbs that 65 years of age, therefore, qualified

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1 Mr. Blasingame as an elderly individual, first and
2 foremost, you wouldn't have any bone to pick with that
3 conclusion, would you?

4 MS. MILLER: Objection.

5 But you can answer.

6 THE WITNESS: No, sir.

7 Q. (By Mr. Johnson) Okay. Well, they say he's 65;
8 he's elderly. Policy says don't use Taser on elderly.
9 That would certainly be important information for you and
10 the other officers who are out there on the street to
11 know that the department says you shouldn't have Tasered
12 Mr. Blasingame for that reason, agreed?

13 MS. MILLER: Objection.

14 But you can answer.

15 THE WITNESS: I would agree.

16 Q. (By Mr. Johnson) And I could go through other
17 policy and procedure violations. If they -- and so for
18 example -- let me just do it.

19 If they find -- the internal affairs, if they
20 were to find -- that means hypothetically -- that you
21 violated the use of force policy and procedure as it
22 pertains to these events, it would be important for you
23 and the other officers on the street to know that so that
24 you could apply that knowledge and try to make sure it
25 never happened again to somebody else, agreed?

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1 A. I would agree with that.

2 MS. MILLER: Objection.

3 But you can answer.

4 Q. (By Mr. Johnson) Same question as it relates to
5 the body cam. If they find -- if -- that if -- if they
6 were to find that you violated that policy and procedure,
7 certainly it would be pertinent information for you and
8 the others who have body cams to know that, right?

9 MS. MILLER: Same objection.

10 But you can answer.

11 THE WITNESS: Yes, sir.

12 Q. (By Mr. Johnson) Same thing about use of
13 on-dash camera, right?

14 MS. MILLER: Same objection.

15 But you can answer.

16 THE WITNESS: Yes, sir.

17 Q. (By Mr. Johnson) So I mean, it -- from your
18 perspective, Officer Grubbs, for a police officer who is
19 even now currently out on the street, them dragging their
20 feet and not getting this done over two and a half years
21 ain't helping anybody out there being a responsible
22 police officer trying to understand and enforce the
23 policy and procedures of the ATL, agreed?

24 MS. MILLER: Objection.

25 But you can answer.

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1 THE WITNESS: I would agree with that.

2 Q. (By Mr. Johnson) Has anybody from the Atlanta
3 Police Department told you that you did anything wrong as
4 it pertains to these events of July 10, 2018?

5 A. No, sir.

6 Q. At any time before July 10, 2018 -- pardon me --
7 had you personally, Officer Grubbs, ever arrested an
8 individual for panhandling?

9 A. Yes, sir.

10 Q. How many times?

11 A. I'm not sure.

12 Q. More than once?

13 A. Yes, sir.

14 Q. You think more than ten times?

15 A. Yes, sir.

16 Q. Do you believe that's a problem in the Atlanta
17 area?

18 A. Yes, sir. It is.

19 Q. Can you tell me, from your view, why is that a
20 problem? What's wrong with folks who don't have any
21 money or a job asking other folks for money?

22 A. Well, under O.C.G.A. 40-6-97, it's illegal.

23 Q. O.G.A. --

24 A. It's under numerous city ordinances.

25 Q. Okay. O.G.A. -- give me that again.

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1 A. It's 40-6-97. It's pedestrian soliciting ride
2 or business.

3 Q. Yep. "No person shall stand in a roadway for
4 the purpose of soliciting a ride." That's A.
5 You're familiar with that?

6 A. Yes, sir. I am.

7 Q. You don't think Mr. Blasingame was looking for a
8 ride that day, do you?

9 A. I can't speak to that specifically.

10 Q. To be fair, you don't know either way, do you?

11 A. Based on my observations, I believed he was
12 soliciting monetary contributions; not a ride.

13 Q. Yes, sir.

14 But you never had the opportunity to actually
15 interview him, agreed?

16 A. That is correct.

17 Q. So what he was actually intending to do, you
18 don't know, right?

19 A. That is correct.

20 Q. All right. Sub B, "Except as provided in code
21 section 40-6-97.1, no person shall stand on a highway for
22 the purpose of soliciting employment, business, or
23 contributions from the occupant of any vehicle."

24 Is that kind of the one you were talking about?

25 A. That is correct, sir.

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1 Q. All right. So at least from what you saw and
2 then again obviously, what you did see, you thought the
3 contributions was the part that my client may have
4 violated.

5 A. That is correct, sir.

6 Q. Okay. And are you aware of -- and you may not.
7 It -- what's -- as you understand it as the officer on
8 the street enforcing this particular code section, what's
9 the problem with someone asking an occupant of a vehicle
10 for money?

11 A. Oh, well, we've had numerous times -- and this
12 is my professional experiences with that -- of passing
13 motorists being harassed, persons attempting to make
14 entry into their vehicles, as well as the traffic hazard
15 portion of soliciting monetary contributions of folks
16 being hit by cars or causing traffic accidents.

17 Q. Okay. Sub C of that same law, No person shall
18 stand on or in proximity to a street or highway for the
19 purpose of soliciting the watching or guarding of any
20 vehicle while parked or about to be parked on a street or
21 highway.

22 And I'll take it, you don't think that's what
23 was going on here. Right?

24 A. No, sir.

25 Q. To the best of your knowledge, the law that we

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1 were just discussing, Officer Grubbs, is a non-violent
2 crime, agreed?

3 A. Yes, sir.

4 Q. And it certainly is a misdemeanor?

5 A. Yes, sir. That is correct.

6 Q. So from a criminal law standpoint even as you
7 understand it, enforcing the law, it is -- it is
8 certainly not a serious felony type crime; is it?

9 A. That is correct, sir.

10 Q. I'll take it, there has been occasions, Officer
11 Grubbs, before July 10 of 2018 where you've see folks
12 panhandling and you didn't arrest them.

13 A. That is correct.

14 Q. And that's part of your discretion as a police
15 officer.

16 A. That is correct.

17 Q. Have you ever had any type of a physical
18 altercation with a panhandler who you came into contact
19 with as part of your job duties there in Atlanta?

20 A. Yes, sir. I have.

21 Q. How many times?

22 A. I'm not sure.

23 Q. More than one?

24 A. Yes, sir.

25 Q. More than ten?

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1 A. I'm not sure if it's that many, but certainly
2 more than one time.

3 Q. Have you ever used, other than on
4 Jerry Blasingame, a Taser on a person that you believed
5 to be panhandling or otherwise soliciting and violating
6 the law that we were just discussing?

7 A. I don't believe so, but I'm not 100 percent
8 sure.

9 Q. Okay. When -- on July 10, 2018, you told us you
10 think you started around 10:00 a.m. that morning.

11 Do you folks have any type of a -- like, a daily
12 log or anything, Officer Grubbs, that you're supposed to
13 keep that tells you kind of what -- what you did during
14 the course of your shift?

15 A. We do.

16 Q. What is it called?

17 A. We have a computer-aided dispatch system which
18 logs activity --

19 Q. And that --

20 A. -- and we'll do a hard-copy log commonly
21 referred to as a blue sheet.

22 Q. Blue, b-l-u-e, sheet?

23 A. Yes, sir.

24 Q. Why is it called blue sheet, if you know?

25 A. It's just a blue piece of paper.

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1 Q. And you're required to complete those every day
2 that you're on duty?

3 A. Yes, sir.

4 Q. And they give kind of a general overview of the
5 events of that day?

6 A. Yes, sir.

7 Q. And if you make an arrest, it's recorded on
8 that?

9 A. Yes, sir.

10 Q. Have you seen the blue sheet for July 10, 2018,
11 Officer Grubbs?

12 A. I have not.

13 Q. I'll take it, you don't have that available to
14 you right now?

15 A. No, sir.

16 MR. JOHNSON: Ms. Miller, I don't think we have
17 those. Can we kindly get those, please?

18 MS. MILLER: Sure. I don't have it either, but
19 I'll find it for you if we have it.

20 MR. JOHNSON: Thank you, ma'am. I'll write that
21 down and remind you in writing, but I appreciate it.
22 Thank you.

23 Q. (By Mr. Johnson) So let me ask you this,
24 Officer Grubbs. If I were to ask counsel to produce
25 your -- I'll call it -- blue sheets in general, but

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1 specifically also on July 10, 2018, is that something at
2 least you would know what I mean?

3 A. Yes, sir. I do know what you mean.

4 Q. Okay. In terms of -- I'll call it daily
5 paperwork -- and I know using the word "paper" may not
6 necessarily be paper because it's computer.

7 But other than the blue sheet, Officer Grubbs,
8 what else did you, as of July of 2018, kind of complete
9 during the course of the day that would show us your
10 activities, again, other than the blue sheet and, for
11 example, a police report that you would complete about
12 something?

13 A. As I stated previously, sir, the dispatch
14 records show every event or call for service that I may
15 have been a part of, as well as any copies of arrest
16 tickets or citations.

17 Q. Is the -- the call for service that you were
18 just talking about, is that -- or the dispatch record, is
19 that different from the blue sheet itself?

20 A. Yes, sir. That is the record that's generated
21 by the communications division.

22 Q. Got it.

23 I'm looking at a document that I'll share with
24 you shortly, Officer Grubbs, printed date 7/10/18,
25 Atlanta Police Department call for service and it gives

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1 an incident number 181911254. Is that the very type
2 document that you're just describing?

3 A. It sounds like it.

4 Q. Okay.

5 MR. JOHNSON: Mr. Radner, can you share that
6 with Officer Grubbs.

7 (Whereupon, a document was presented.)

8 MR. RADNER: This is the call for service. I
9 don't have a Bates stamp for this, but let me know if you
10 can find it. It looks like this (indicating).

11 THE WITNESS: Okay.

12 MR. JOHNSON: Maddie's going to try to put it up
13 on the shared screen.

14 THE WITNESS: Thank you.

15 MR. JOHNSON: Tell me when you -- if you can
16 find that, Maddie.

17 MS. SINKOVICH: All right. I believe I've got
18 it. Give me one second.

19 MR. JOHNSON: Thank you. If you can...

20 MS. SINKOVICH: Can you see it?

21 MR. RADNER: Yeah, that's it.

22 MR. JOHNSON: Can you...

23 MS. SINKOVICH: What do I need to do?

24 MR. JOHNSON: That's -- that's good.

25 Q. (By Mr. Johnson) All right. Officer Grubbs,

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1 I'm showing you what we're going to mark as Exhibit 1,
2 this call for service dated 7/10/18.

3 (Whereupon, a document was presented for
4 review by the witness.)

5 Q. (By Mr. Johnson) Can you read that, sir?

6 A. Yes, sir. I can.

7 Q. All right. And this is that -- the dispatch
8 document that you were describing a few minutes ago?

9 A. That is correct.

10 Q. As we work our way down the document about a
11 third of the way down where it says "call information,"
12 date is 7/10/18. Call type or description is 54,
13 suspicious person. Do you see that?

14 A. That is correct.

15 Q. Is that the information that you were given
16 about who you now know to be Mr. Blasingame on July 10,
17 2018?

18 A. That was the information that I provided to the
19 dispatcher.

20 Q. Got it.

21 So I take it, when you first saw Jerry --
22 Mr. Blasingame, you were not responding to a call about
23 him, were you?

24 A. No, sir. I was not.

25 Q. Okay. What were you -- when you first saw him,

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1 what were you doing?

2 A. I was on patrol.

3 Q. And when you first saw him, where were you,
4 please?

5 A. Specifically, I was at I-20 eastbound at I-75/85
6 northbound ramp.

7 Q. So you were actually on the ramp itself?

8 A. Yes, sir.

9 Q. And in relation to your vehicle, were you in the
10 right-hand lane?

11 A. I do not recall exactly what travel lane,
12 whether it was one or two that we were in.

13 Q. Okay. When you first saw Jerry, what was he
14 doing?

15 A. When I first observed Mr. Blasingame, he was on
16 the left shoulder which would be the northern-most side
17 of the roadway. He was on the shoulder and approaching
18 vehicles. I believe it was the number one travel lane.

19 Q. And did you see his hands?

20 A. I saw his hands. Yes, sir.

21 Q. What were his hands doing when you first saw
22 them?

23 A. I believe one hand, he was holding a piece of
24 paper and -- while making some type of hand motions
25 towards vehicles.

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1 Q. Could you read what the paper said?

2 A. I could not.

3 Q. When you looked at the paper -- and I'll take
4 it, what -- on your previous experience, you've seen
5 folks panhandling who've used signs, paper, something in
6 the past?

7 A. That is correct.

8 Q. Somehow asking for -- some folks ask for money
9 on that sign?

10 A. That is correct, sir.

11 Q. I'm sure you've seen other ones where they
12 describe something to do with their circumstances?

13 A. Yes, sir. That is also correct.

14 Q. Homeless, no money, ex-vet, who knows.
15 Whatever. But you've seen those signs yourself in your
16 experience?

17 A. Yes, sir.

18 Q. All right. The hand -- or the paper in his left
19 hand?

20 A. I don't recall what hand it was.

21 Q. Hand motion. Tell me about the motion you saw.
22 Can you -- can you show me with your hands.

23 A. (Indicating.) It was a waving motion. And then
24 sometimes there's motions from (indicating) like, the
25 waist area to their mouth. It was motions consistent

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1 with that.

2 Q. Okay. So I'll take it, when you showed us --
3 luckily we're on video, but the lawyers have to try to
4 put words to the hand motion. The first one, it looks
5 like you were literally waving, like, hi.

6 A. Yes, sir.

7 Q. All right. And then the other motion that I
8 think I saw, you go from the waist up to your mouth. It
9 kind of looked like in some way that some might use to
10 show somebody that they want food or eating.

11 A. Yes, sir.

12 Q. Okay. At least when you saw that and you saw
13 the sign, Officer Grubbs, you kind of surmised that
14 Mr. Blasingame was trying to get money to eat.

15 A. Yes, sir.

16 Q. Or panhandling.

17 A. Yes, sir.

18 Q. You did not see a gun in his hand?

19 A. I did not see a firearm. That's correct.

20 Q. You did not see any type of a weapon in his
21 hand?

22 A. That is correct.

23 Q. Or anywhere on his body?

24 A. That is also correct.

25 Q. You didn't see him in any way trying to hurt

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1 somebody?

2 A. That is correct.

3 Q. You didn't see him, like, intentionally running
4 in front of traffic as if he was trying to hurt himself?

5 A. That is correct.

6 Q. It looked like to you -- and again, I understand
7 you didn't know for sure -- but based on your experience
8 not just as a police officer, but as a person in the real
9 world, he was trying to get money to get something to
10 eat.

11 A. Yes, sir.

12 Q. How was he dressed?

13 A. I don't recall the specific clothing that he was
14 wearing.

15 Q. All right. Was he an African American; was he a
16 black gentleman?

17 A. Yes, it was a black man.

18 Q. Did it appear to you that he was older?

19 A. It appeared that he was a adult male.

20 Q. Okay. Well, obviously, not just an adult male,
21 but he was 65 years of age.

22 Did you surmise, when you looked at him, that he
23 was an older male?

24 A. I had not made that determination.

25 Q. Okay. Did you see his face?

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1 A. I briefly saw his face. Yes, sir.

2 Q. He had a baseball cap on?

3 A. I don't recall.

4 Q. Do you remember what that baseball cap said on
5 it, if anything?

6 A. No, sir.

7 Q. But again, you were able to see his face,
8 correct?

9 A. Briefly. Yes, sir.

10 Q. In terms of his size, being an experienced
11 police officer, what did you think it was?

12 A. He looked, you know, maybe in the neighborhood
13 of -- of 5-10 to 6 foot. I -- I'm not exactly sure,
14 though.

15 Q. Weight?

16 A. Not exactly sure. I would say at least 160
17 pounds.

18 Q. What's your height and weight, sir?

19 A. I am 5-5, 160.

20 Q. It's fair to say that Jerry was not --
21 Mr. Blasingame was not dressed in, like, a -- in a suit
22 and tie type fashion.

23 A. No, sir. He was not.

24 Q. And when you looked at his clothes and his
25 overall appearance, did you believe or at least consider

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1 the fact that he might be homeless?

2 A. I considered it was a possibility.

3 Q. Did you ever see any car actually stop, slow
4 down, and give him money?

5 A. I did not witness that.

6 Q. Did you see him interfere with traffic such that
7 there was ever any type of an impact caused by him?

8 A. Not directly that I witnessed.

9 Q. Okay. Well, that's a -- with all due respect,
10 you didn't see it, did you?

11 A. I did not see him physically impede the path of
12 a vehicle.

13 Q. Okay. And you have no information whatsoever
14 that Mr. Blasingame, at -- at or about that time, caused
15 an accident, did you?

16 A. No, sir.

17 Q. All right. And how many times -- how many
18 automobiles, tru- -- and trucks, whatever -- how many
19 vehicles did you see that went passed him where he had
20 that paper in one hand and was waving and then putting
21 his hand up to his mouth, like, for food did you see
22 before you had any interaction with him whatsoever?

23 A. It was several vehicles. I'm not sure of the
24 exact count.

25 Q. You say "several." So more than one?

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1 A. Yes, sir.

2 Q. Less than ten?

3 A. It's possible. I just -- I didn't get a vehicle
4 count. It was heavy traffic conditions.

5 Q. Okay. Do you know the day of the week? Officer
6 Grubbs, do you know the day of the week it was? Sorry.

7 A. No, I do not recall what day of the week that
8 was.

9 Q. Let me pull up my handy-dandy calendar. Sorry.
10 7/10/18, at least according to my calendar,
11 would be a Tuesday. Does that at all ring a bell?

12 A. I have no reason to dispute that.

13 Q. Okay. Tuesday, 2:30-ish in the afternoon in
14 July in Atlanta. Any particular special things going on
15 that you were aware of in that area, events in other
16 words?

17 A. At that particular time, no, sir.

18 Q. Is that area pretty heavily traveled, though,
19 during that time frame in general?

20 A. Yes, sir.

21 Q. So when you saw what you saw, despite the
22 several vehicles, you never saw Jerry -- Mr. Blasingame
23 threaten anybody, did you?

24 A. I did not.

25 Q. Other than doing what you described, was he

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1 acting in any other way -- or any way that you thought
2 was indicative of somebody being under the influence of
3 drugs or alcohol?

4 A. I can't speak to whether he was under the
5 influence of drugs or alcohol.

6 Q. Okay. What you saw at that time, you didn't
7 know whether he was or he wasn't, correct?

8 A. That is correct.

9 Q. But the fact of the matter he was not engaging
10 in activities so much that -- that you thought that
11 the level of suspicion of drugs and alcohol intoxication
12 were necessarily coming into play, correct?

13 A. That is correct.

14 Q. Same thing. When you saw what he was doing, did
15 it at all raise your level of suspicion as to whether he
16 was, in fact, mentally ill?

17 A. I had not made any assumptions or determinations
18 as to his mental status.

19 Q. Okay. And same series of questions. You don't
20 know either way whether or not he was or he wasn't
21 mentally ill, correct?

22 A. That is correct.

23 Q. But there was nothing bizarre or unusual about
24 the way in which he was acting or responding other than
25 having the paper and doing the hand gesture you talked

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1 about that raised your level of suspicion that he was.

2 A. That is correct.

3 Q. When you saw -- I already asked you that.

4 I asked you about his clothing and you said at
5 least you don't know whether he was a homeless person,
6 but based on what you saw, that was at least a
7 consideration. Did I -- did I paraphrase that right?

8 A. Yes, sir. That is correct.

9 Q. All right. Thanks. Okay.

10 Do you know if Officer Shelley, S-h-e-l-l-e-y,
11 was in that general vicinity at the time when you first
12 saw Mr. Blasingame?

13 A. He was the driver of the patrol car. Yes, he
14 was.

15 Q. So you -- you were there when -- both -- the two
16 of you were in the vehicle together?

17 A. That is correct.

18 Q. All right. Do you remember actually any
19 vehicle -- because you told me you didn't see him get --
20 Jerry get -- Mr. Blasingame get any money, right?

21 A. That is correct.

22 Q. Did you ever see any vehicle that, like,
23 considerably slowed down, like, to almost stop or even a
24 stop to give him money? Did you see that at all either?

25 A. I don't recall specifically.

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1 Q. All right. Did you have a discussion at all
2 with Officer Shelley about what you were seeing
3 Mr. Blasingame do?

4 A. I believe we had a brief discussion as to what
5 we had observed and what we thought was occurring.

6 Q. Okay. Who said -- who said something first, you
7 or Shelley?

8 A. I don't recall who viewed Mr. Blasingame first.

9 Q. Okay. What do you recall stated in the car
10 after you first recall seeing Blasingame?

11 A. I recall something possibly to the effect of
12 there is a male subject on the left shoulder. It looks
13 like he's soliciting.

14 Q. Okay.

15 A. That may have come from me or it may have come
16 from Officer Shelley. I'm not exactly sure.

17 Q. Okay. So again, from your vantage point in the
18 car, Jerry would have been -- Blasingame would have been
19 off to your left?

20 A. That is correct.

21 Q. But on that same ramp that you've already
22 described.

23 A. Yes, sir.

24 Q. So I know Shelley was driving the car. What did
25 he do after you -- after there was that -- those words

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1 that you just shared with us were spoken, what happened?
2 What did he do with the car?

3 A. He remained in the vehicle still.

4 Q. Okay. Did he pull over?

5 A. I don't believe so.

6 Q. How did you get out of the car?

7 A. I exited the vehicle via the passenger side.

8 Q. But what -- I'll take it, the car was not
9 moving.

10 A. Yeah, I would assume he was stopped. Yes, sir.

11 Q. What -- did he turn on his lights and siren?

12 A. I'm not sure what equipment was or wasn't
13 activated.

14 Q. Do you have any recollection of Officer Shelley
15 having his lights and sirens on?

16 A. I do not.

17 Q. Do you remember Officer Shelley using the
18 intercom to speak to my client at all?

19 A. I do not.

20 Q. When -- do you remember Officer Shelley then
21 pulling over the shoulder? Did he get -- was he heading
22 in the travel lane?

23 Where did he stop enough for you to get out of
24 the car and the passenger door?

25 A. I believe -- whichever travel lane that we were

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1 in, I believe he stopped the vehicle in the travel lane.
2 At which time, I exited the vehicle shortly thereafter.

3 Q. Okay. You would agree with me in -- but in
4 other words, he -- it's not like Jerry was jumping out in
5 front of your car making you guys stop. Right?

6 A. No, sir. That did not happen.

7 Q. All right. So Officer Shelley apparently
8 stopped in a travel lane that otherwise is intended for
9 travel to keep on moving, right?

10 A. Yes, sir.

11 Q. In other words, if somebody else other than a
12 police officer did that, it would be, technically
13 speaking, obstructing traffic.

14 A. Depending on the circumstances, that is correct.

15 Q. Well, if there -- there wasn't a car or a person
16 immediately in front of Shelley's vehicle, you would
17 agree with me, if we took out of the equation the police
18 vehicle, it would be obstructing traffic.

19 A. Generally speaking. Yes, sir. It would.

20 Q. Okay. And you'd agree with me that even as a
21 police officer such as Officer Shelley, he's supposed to
22 abide by all traffic signals, laws, et cetera, unless
23 he's got lights and sirens on, agreed?

24 A. Yes, sir.

25 Q. Okay. And he didn't do that.

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1 A. I can't speak to if the rear emergency lights of
2 the vehicle were activated. That's -- I just don't know.

3 Q. Okay. If they weren't on, he, in essence, was
4 obstructing traffic as well, agreed?

5 A. Yes, sir.

6 Q. All right. So you got out of the vehicle and
7 went around which side of the car?

8 A. I do not recall whether I ran to the front of
9 the vehicle or to the rear of the patrol vehicle.

10 Q. Okay. How close was our client to the roadway
11 or at least the side of the road?

12 A. From my vantage point, he appeared to be pretty
13 close to the traffic lane.

14 Q. Do you know what a fog line is?

15 A. I do, sir.

16 Q. Do you remember on the left-hand side -- in
17 other words, on Shelley's side of the vehicle -- whether
18 the fog line is yellow or white or what have you there?

19 A. I don't recall if it's yellow or white.

20 Q. Okay. Was my client at least on the shoulder of
21 the road as opposed to being in the travel lane?

22 A. I believe he was on the shoulder directly next
23 to the painted line.

24 Q. Thank you.

25 When you got out on foot, do you remember

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1 Shelley doing anything -- well, obviously, he had to keep
2 the vehicle at least stopped if you were to walk around
3 it at least in the front, right?

4 A. Yes, sir.

5 Q. Do you remember going in front versus back?

6 A. I do not.

7 Q. Do you remember Shelley pulling the vehicle
8 forward at all while you were still on foot?

9 A. I do not.

10 Q. Okay. When you got out of the car, I'll take
11 it, you continued and looked at my client?

12 A. That is correct.

13 Q. What did he do when he saw you get out of --
14 did -- did he see you get out of the car, to the best of
15 your knowledge?

16 A. To the best of my knowledge, he did see the car
17 and me.

18 Q. Okay. Did you get -- did you have eye contact
19 with him, Officer Grubbs?

20 A. I saw him. I didn't have direct -- I can't
21 remember if I, you know, looked directly in his eyes.
22 But I did see him clearly.

23 Q. And do you think it -- when you were looking at
24 him, did it appear to you, at least, that he was looking
25 at you, too?

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1 A. Yes, sir.

2 Q. I'll take it, so you -- you believe that he had
3 the ability to see that you were a police officer and a
4 police vehicle?

5 A. I do.

6 Q. You were in -- you're obviously in your police
7 uniform, right?

8 A. Yes, sir.

9 Q. It looks like it -- is that a black shirt --
10 short sleeve shirt or is it blue? I'm sorry.

11 A. I believe that I -- I believe I'm wearing a
12 black shirt.

13 Q. Okay. I can see the Atlanta PD -- police on the
14 back. Does it also say that on the front --

15 A. It's a --

16 Q. -- of that?

17 A. Yes, sir.

18 Q. All right. Yep. I see it. It could be it just
19 says "police" in the front.

20 Does that sound about right?

21 A. Yes, sir. The Atlanta police badge is on the
22 left breast.

23 Q. Yes, sir.

24 A. You have police in large yellow letters across
25 the center.

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1 Q. Yes, sir.

2 A. The patch -- the Atlanta police patch on the
3 right breast.

4 Q. Yes, sir.

5 A. And I believe that's the configuration of the
6 front of the vest.

7 Q. And if I could see -- in one of the photos we'll
8 talk about later. It looks like there's a body cam --
9 camera somewhere between the L and the I of police on the
10 front of your vest. Does that sound about right?

11 A. That sounds about right. Yes, sir.

12 Q. All right. This Exhibit 1 call for service
13 document and the suspicious person identification here,
14 did you actually dis -- call dispatch before you got out
15 of the car?

16 A. No, sir. That was made after the incident had
17 occurred.

18 Q. Okay. So at no time before you get out of
19 the -- got out of the car did you call anybody and let
20 them know that you were getting out of the car and having
21 an interaction with somebody.

22 A. No, sir.

23 Q. Is that correct?

24 A. That is correct.

25 Q. It was a bad question. Sorry, Officer Grubbs.

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1 MR. JOHNSON: All right. Guys, give me another
2 two minutes at least unless somebody needs some more
3 time. I just need to run to the restroom. Sorry.

4 THE VIDEOGRAPHER: Going off the record.
5 Universal time is 1603. We're now off the record.

6 (Whereupon, a recess was taken.)

7 THE VIDEOGRAPHER: Stand by please.

8 We're now back on the record. The universal
9 time is 1610.

10 Q. (By Mr. Johnson) So, Officer Grubbs, you get
11 out of the car -- you exit, obviously, the passenger
12 door. You don't remember going around the front or the
13 back.

14 But clearly it's your intent -- and you did
15 cross through the lane of travel to go toward -- if
16 you're sitting in the car, to the left to at least go
17 over toward my client, right?

18 A. That is correct.

19 Q. All right. And I'll take it -- was it your
20 intent, then, to arrest him?

21 A. We hadn't discussed our enforcement action at
22 that time.

23 Q. Okay. So when you were going over towards him,
24 you were not necessarily going to arrest him, correct?

25 A. That is correct.

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1 Q. But it certainly was your intent to detain him
2 in order to at least talk to him and see what's going on.

3 A. That is correct.

4 Q. And I wouldn't call it a traffic stop because
5 he's not in a vehicle. But, in essence, to detain him is
6 pretty much the same thing, right?

7 A. We would classify it as a suspicious person
8 stop.

9 Q. Okay. Thank you.

10 Pursuant to your training, after getting out of
11 the vehicle, you kept your eyes on my client just to make
12 sure you could see what he was doing.

13 A. That is correct.

14 Q. And that would include his hands.

15 A. That is correct.

16 Q. Because the -- obviously, you've been trained
17 and you, even that day, employed that training. You
18 wanted to make sure he wasn't reaching for a firearm.

19 A. That is correct.

20 Q. Or any weapon, for that matter.

21 A. That is correct.

22 Q. And to be fair, you didn't see him reach for or
23 pull out any firearm or weapon of any kind, did you?

24 A. That is correct, sir.

25 Q. In fact, at no time that day did you ever see my

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1 client reach for or otherwise have a firearm or any
2 weapon, correct?

3 A. Correct.

4 Q. So to the best of your knowledge, based on your
5 training and experience -- although you always keep in
6 the back of the -- your mind that he might be armed,
7 you saw no evidence that he was armed that day, agreed?

8 A. That is correct, sir.

9 Q. All right. And while you're getting out of the
10 vehicle, did you have any conversation with
11 Mr. Blasingame whatsoever?

12 A. I did not.

13 Q. Did he say anything to you?

14 A. I do not believe so.

15 Q. Okay. So if -- let me put it this way. You
16 have no memory of him saying anything to you, correct?

17 A. That is correct.

18 Q. Therefore, if he didn't say anything to you, he
19 did not verbally threaten you in any regard, did he?

20 A. That is correct.

21 Q. Didn't swear at you?

22 A. No, sir.

23 Q. Didn't, like, threaten any type of bodily harm
24 or anything to you?

25 A. That is correct.

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1 Q. Didn't call you names?

2 A. I do not believe so.

3 Q. Didn't swear at you that you heard?

4 A. That is correct.

5 Q. So while you're watching him, trying to approach
6 him, what does he do first that you saw?

7 A. Mr. Blasingame appeared to have viewed me and at
8 that time, began to flee on foot.

9 Q. Okay. And when you say "flee on foot," he's
10 somewhere between the side of the road and the -- or the
11 edge of the ro- -- actual asphalt or roadway and the
12 stripe that we talked about in the road, correct?

13 A. He was in the shoulder area --

14 Q. Right.

15 A. -- so he ran between the stripes and the
16 barrier.

17 Q. Right.

18 That -- that -- the metal barrier?

19 A. At the point -- the first point I viewed him, he
20 was next to a combination of a fence and concrete barrier
21 that turns into just the metal vehicle barrier.

22 Q. Okay. Officer Grubbs, I went through the photos
23 today and I didn't see any that showed the area where my
24 client was first standing.

25 Do you remember, you or any other -- do you

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1 remember seeing any investigative -- investi- -- well, I
2 can't say that word today.

3 Did you ever see any -- recall photographs in
4 the investigation that show the area where he was
5 originally?

6 A. I have not seen any photographs in reference to
7 this investigation.

8 Q. Not even the ones where you're standing next to
9 a guardrail where it comes through to the point where the
10 incident occurred?

11 A. I have not seen any photos that were taken by
12 anybody.

13 Q. Okay. Do you know who took the photos?

14 A. I believe photos were taken by Atlanta police
15 crime scene technicians.

16 Q. Okay.

17 A. I believe the GBI may have taken photographs as
18 well.

19 Q. What's GBI?

20 A. It's the Georgia Bureau of Investigation.

21 Q. Who's that?

22 A. That is a separate state police investigative
23 agency for the entire State of Georgia. So our
24 equivalent of the Michigan State Police.

25 Q. I was going to go there. Thank you.

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1 Do they -- does the GBI -- to the best of your
2 knowledge, Officer Grubbs, do they investigate every
3 police use of force interaction with the public?

4 A. They invest- -- to my knowledge, they
5 investigate most, if not almost all, of serious
6 officer-involved incidents in the state.

7 Q. Okay. Is that -- as you know -- as you're
8 aware -- you may not be.

9 Is that pursuant to some type of a law or that's
10 just how Atlanta chooses to do it? Or do you know?

11 A. I don't know. That's just the procedure that's
12 been used for the last few years now.

13 Q. Okay. So when my client then sees you and
14 begins to move, I'll take it, at some point, he ends up
15 turning his back towards you to exit off of the roadway
16 toward the -- what I'll call the metal guardrail.

17 A. That is correct.

18 Q. And forgive me that -- because I haven't gotten
19 down there yet and I'm going to.

20 But if -- if you were to estimate from the side
21 of the road -- in other words, where the actual asphalt,
22 slash, cement road ends, the shoulder -- until that metal
23 guardrail where it exists, where it's located -- are you
24 able to give me a ballpark and how many feet that is?

25 A. Are you saying from the travel distance from

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1 where I viewed Mr. Blasingame to the point where he went
2 over the metal vehicle barrier?

3 Q. Yeah.

4 The -- the -- would it -- if I use the term
5 "guardrail," do you know what I mean?

6 A. Yes, sir.

7 Q. All right. So -- and I -- and I'm going to show
8 you some photographs, Officer Grubbs. And it -- it shows
9 you standing next to a guardrail with a little bit of
10 foliage.

11 So I'll show you where -- you -- you have a
12 general recollection of what I'm talking about, right?

13 A. Yes, sir. I do.

14 Q. Okay. So what I'm trying to say is before --
15 because my client ultimately stepped over the guardrail,
16 did he not, and entered that little forest area?

17 A. He did.

18 Q. Okay. So what I'm trying to understand is -- so
19 I don't have a picture; I'm sorry -- is -- is if we were
20 to measure the side where the roadway actually ends to
21 the point where my client's got over the top of the
22 guardrail, I just want to know a ballpark how many feet
23 that is.

24 A. I would estimate five feet.

25 Q. Oh, okay.

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1 A. From the -- the point of the roadway over to
2 where the guardrail would have been --

3 Q. Okay.

4 A. -- I would estimate about five feet.

5 Q. Okay. So in other words, since we know he was
6 actually on the shoulder of the road near the stripe,
7 from where he was standing from where you first saw him
8 until the guardrail that he ultimately went over.

9 A. Uh-huh.

10 Q. It -- it was 10, 15 feet ballpark.

11 A. Somewhere in that possibly.

12 Q. How about this; not a significantly far
13 distance, agreed?

14 A. Yeah, I would agree with that.

15 Q. All right. So I'll take it, when you saw my
16 client turn his back to you, registered in your mind he's
17 trying to avoid interaction with you.

18 A. Uh-huh. That is correct.

19 Q. Okay. In other words, he's trying to get away
20 from you.

21 A. That is correct.

22 Q. All right. By the time he got to the guardrail,
23 since it's only the number of feet that we've been
24 talking about, still no -- still no conversation, if you
25 will, between you and Mr. Blasingame at all, right?

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1 A. That is correct. The only -- I had yelled at
2 him to stop. That was the only verbal communications
3 that had occurred.

4 Q. And that -- that's a pretty important thing to
5 do, isn't it, Officer?

6 A. If it can be done. Yes, sir.

7 Q. Right.

8 Meaning that -- but apparently it could be
9 because you just told me you did, right?

10 A. Yes, sir. That is correct.

11 Q. And you'd agree that "stop" coming from you in
12 that circumstance is an order.

13 A. I would.

14 Q. Okay. And I'll take it, that's the -- you don't
15 remember my client saying anything in response to that.

16 A. I do not.

17 Q. And so far that's the one and only word that
18 I've heard that you said to him whatsoever is "stop"?

19 A. That is correct.

20 Q. And that is the first and only thing you said to
21 him before he got over the guardrail?

22 A. That is correct.

23 Q. How close was he to the guardrail before you
24 said, "Stop"? Or at -- not before, but when you said,
25 "Stop"? Sorry.

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1 A. I would estimate fairly close. I would say
2 within eight feet of where the point that he crossed over
3 the guardrail.

4 Q. Okay. Were you a weightlifter at the time?

5 A. I was.

6 Q. Because just looking at you at -- and I didn't
7 mean this in any disrespectful way, of course.

8 You're a broad guy, your shoulders. It's very
9 evident to me in the photos that you're a strong guy. Is
10 that relatively fair characterization?

11 A. I might try to maintain a level of physical
12 fitness.

13 Q. Well said.

14 You've got on your utility belt, right?

15 A. Yes, sir.

16 Q. We talked about the camera in the front between
17 the L and I, right?

18 A. Yes, sir.

19 Q. Take me from, if you would, your utility belt --
20 are you right-handed or left-handed?

21 A. I'm right-handed, sir.

22 Q. Take me around the belt starting at noon, so
23 right in front, and take me around your belt, then, with
24 your right hand going in a clockwise scenario if you
25 would, please, sir.

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1 A. Going over near the one (indicating) -- and this
2 is at the time. It's changed slightly, I believe.

3 Q. That -- got you.

4 A. Going over towards the one- to two o'clock
5 position, at that time I most likely would have had a
6 canister of pepper spray.

7 Q. Okay.

8 A. Immediately over that towards the three o'clock
9 position would be my firearm.

10 Q. What did you have?

11 A. Which at the time and currently is a Glock 17 --

12 Q. Okay.

13 A. -- .09-millimeter pistol equipped with a
14 tactical light.

15 Q. Okay.

16 A. Directly behind that towards the four o'clock
17 position would be a ASP, A-S-P, expanding baton.

18 Q. Sir.

19 A. And directly behind that towards the six o'clock
20 position, I had two pairs of department-issued handcuffs.
21 Moving over to your seven- and eight o'clock positions
22 (indicating), I believe I had a small tactical style
23 flashlight.

24 And directly in front (indicating) of that would
25 have been my department-issued portable radio. And in

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1 front of that towards the ten- to eleven o'clock position
2 would have been the Taser X2. And directly in front of
3 that would be two extra magazines of ammunition.

4 And I believe that is all the equipment at that
5 time that I carried.

6 Q. Thank you, sir.

7 But I'm -- when we put some photos up of you by
8 the guardrail in these photos, I think it's -- they have
9 some pretty good views of the belt. So if there's
10 anything that you want to add or change or whatever, just
11 let me know that. Okay? Thank you, sir. Okay.

12 Relative to the use of the on-dash camera in
13 the -- in the patrol unit, was that something solely
14 within Shelley's control or is that something that you
15 could operate as well?

16 A. That particular vehicle was not equipped with a
17 dash camera.

18 Q. Do you remember the number of the vehicle?

19 A. I believe that was patrol car 31013.

20 Q. Had you ever driven it before?

21 A. I had.

22 Q. Any particular reason why Shelley was that day,
23 not you?

24 A. We normally alternated driving.

25 Q. Like every day?

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1 A. Yeah, you know, every -- every other -- we were
2 on a four-day work rotation, so I would drive two days,
3 he would drive two days.

4 Q. How long had you been partnered up with Shelley?

5 A. Since April of that year and then we had worked
6 together previously.

7 Q. Okay. So you knew him and he knew you.

8 A. Yes, sir.

9 Q. And I said "Shelley." I hope you don't -- I --
10 I do -- if you want me to say Officer Shelley, I'll be
11 happy to do it. I did not mean any disrespect.

12 A. Shelley's fine. Yeah, that's -- that's fine
13 with me, sir.

14 Q. When -- so your -- your memory is no on-dash
15 camera on that patrol unit --

16 A. --

17 Q. -- 31013?

18 A. Yes, sir. That is correct.

19 Q. Pretty hard to turn on an on-dash camera if
20 there's not one that exists in the vehicle, agreed?

21 A. Agreed.

22 Q. All right. I'll take it, you do agree that if
23 there was an on-dash camera, the policies and procedures
24 of Atlanta at the time required it to be utilized.

25 A. Yes, sir.

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1 Q. Now, we started talking a while ago and I kind
2 of got off track -- sorry -- about you getting the Taser
3 equipment for the first time. Do you remember that?

4 A. Yes, sir. I do.

5 Q. You told me you got it right there even in the
6 academy.

7 A. That is correct.

8 Q. And then we talked a little bit about the
9 approximate five different training periods that you had
10 even up to the time of 7/10/18.

11 A. That is correct.

12 Q. Do you have a memory of when you got your
13 on-body camera for the first time?

14 A. As I stated previously, I don't recall the exact
15 date. I believe it was in 2017, but I'm not a hundred
16 percent sure.

17 Q. You think you had it for a full year at the time
18 of this incident in July of 2018?

19 A. It may have been around a full year. I'm not
20 exactly sure, though.

21 Q. Do you remember, when you first got them,
22 getting any training on how to use them?

23 A. Yes.

24 Q. Tell me about that training, if you would.

25 A. My best memory of that training, it occurred at

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1 an unknown date and time as to what the device was and
2 how it operated.

3 Q. Okay. Did you have it on -- like, when they
4 first were training you how to turn it on and all that,
5 did you have like, a unit on you or they were just
6 showing you a unit on themselves first?

7 A. I believe it was some type of a PowerPoint
8 presentation.

9 Q. Okay. And was it done by APD or was it done by
10 an outside agency, if you know, or company?

11 A. I believe it was done by APD.

12 Q. And then ultimately, you were given one and yet
13 you learned how to turn it on?

14 A. Yes. That's correct.

15 Q. And like we were just talking about for
16 somewhere around -- give or take about a year before
17 these events.

18 A. Yes, sir.

19 Q. And then when you were trained on how to use
20 them, I'll take it, they also reviewed with you the A --
21 the SOPs that applied to the use of the on-body camera.

22 A. To the best of my knowledge, yes.

23 Q. Now, back in 2017 when you all were getting your
24 training, I'm sure like any other profession, Officer
25 Grubbs, did you ever talk about with any of your other

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1 officers about having to wear that stuff?

2 A. Yes, sir.

3 Q. What was your opinion about it?

4 A. I didn't have a particularly negative opinion of
5 the cameras.

6 Q. Okay. Other officers may have not -- may have
7 had a negative opinion that you heard?

8 A. Yes, sir.

9 Q. Did you, at least as part of -- you said you
10 didn't necessarily have a negative view. So were you
11 positive about it?

12 In other words, did you think to yourself that
13 hey, this could be really good for me. I wear it. It'll
14 show everything that happens and I do it -- I do it
15 right. I do it by the book and it's going to help me.

16 A. Yes, sir.

17 Q. When they were training you, how would you
18 describe the administration or the training officers --
19 singular or plural -- attitude towards you folks using
20 those? Was it positive, negative; how would you describe
21 it?

22 A. I would say positive and professional.

23 Q. Okay. And likewise, did they give you the view
24 that hey, this could really help you in situations?

25 A. Yes. I believe so.

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1 Q. And then obviously, you knew, I'm sure, whether
2 they said it or not, it could really hurt you if you --
3 if someone did stuff that wasn't by the book.

4 A. Yes, sir.

5 Q. Up until June of 2018, Officer Grubbs, had you
6 ever been, as far as you know, the subject of any type of
7 a citizen's complaint about the use of force or the way
8 that someone -- you dealt with somebody?

9 A. Yes, sir. I can -- yeah.

10 Q. You can what? Go ahead and finish your answer,
11 please.

12 A. I can just recall one instance.

13 Q. Okay. And can you tell me what -- what it was
14 regarding; can you recall?

15 A. An arrest of a suspicious person.

16 Q. Okay. What do you remember about that?

17 A. I believe the individual made a complaint that I
18 used unreasonable force during the course of his arrest.

19 Q. Do you remember what that person was arrested
20 for?

21 A. I don't remember the specific charges.

22 Q. Do you remember there being more than one or
23 just one?

24 A. Just one that I can recall.

25 Q. If -- as part of the personnel file of the

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1 documents that we have in this case, part of the GBI
2 file, if there was a -- an incident that described on
3 August 17, 2016 where you arrested an individual for
4 failing to use a marked and accessible crosswalk, does
5 that ring a bell to you?

6 A. Yes, sir.

7 Q. Can you tell me off the top of your head why did
8 you arrest someone for failure to use a marked and
9 accessible crosswalk?

10 A. I believe I had probable cause for an arrest and
11 I believed that that was the most appropriate course of
12 action.

13 Q. Don't you remember what the person did?

14 A. I believe -- from what you're stating, it was
15 not using a crosswalk. And if I remember the incident
16 correctly, the individual was extremely non-compliant and
17 uncooperative --

18 Q. Okay.

19 A. -- with my investigation.

20 Q. Okay. Did the individual -- other than not use
21 a crosswalk, does that suggest to you or do you have a
22 memory of them cross- -- in other words, trying to cross
23 a road without using a crosswalk that was nearby?

24 A. I'm sorry, sir. Can you repeat your question.

25 Q. Happy to.

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1 On the August 17, 2016 incident -- I don't have
2 a police report in front of me. Mr. Radner's over here
3 shuffling papers, so he might find one, but I don't have
4 one.

5 So I'm just asking, do you remember a person
6 that was crossing the road somewhere, like, in the middle
7 of the road and didn't use a crosswalk, that you saw?

8 A. I do. I vaguely remember the incident that
9 you're referring to.

10 Q. Okay. Male person?

11 A. It was a male subject.

12 Q. White, black, brown, what?

13 A. I believe he was a black male.

14 Q. And you -- was he doing anything else that you
15 thought was wrong other than not using a crosswalk?

16 A. I did not witness any other criminal violations
17 at that time.

18 Q. Okay. So what -- you were trying to, I'll call,
19 approach him, detain him about the crosswalk and he
20 apparently resisted arrest?

21 A. Something to that effect. I would have to
22 review the report to really give you a accurate synopsis
23 of that.

24 Q. Fair enough.

25 Do you remember deploying your Taser that day?

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1 A. I don't believe he was Tased.

2 Q. Okay. It talks about you took him to the
3 ground, the individual placed in handcuffs and detained.
4 Does that sound about right?

5 A. It sounds about right.

6 Q. "Individual sustained minor injuries."
7 Do you have any memory of him being injured?

8 A. I remember that he made a medical complaint. I
9 don't recall exactly what the complaint was.

10 Q. Okay. "The individual filed a complaint. The
11 complaint was not sustained and no action was taken."

12 Is that consistent with your memory of what
13 happened?

14 A. Yes, sir.

15 Q. Can you tell me, based on the way things worked
16 at APD, when a complaint would come in like the one we
17 just talked about August 16, 17, 2016, the year before
18 this -- or two years before this event, how does that get
19 processed through the department, as far as you
20 understand?

21 A. My best knowledge of complaints is that
22 complaints can be filed directly with internal affairs by
23 phone, e-mail, or in person. Complaints can also be
24 filed with patrol supervisors from a citizen.

25 Q. Do you remember how that one was filed, how it

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1 came in?

2 A. I do not.

3 Q. I'll take it as of July 10, 2018, you had, in
4 the course of your career, taken a number of people down
5 to the ground in just terms of detaining them,
6 handcuffing them, and processing them.

7 A. Yes, sir.

8 Q. You are certainly aware of taking somebody down
9 to the ground even like what you did in August of 2016,
10 that people can get injured by that.

11 A. Yes, sir.

12 Q. And I'll take it, that's something that you --
13 you obviously hope doesn't happen. Correct?

14 A. That is correct.

15 Q. But when you are utilizing force and in the
16 event if they are resisting, you have to be cognizant
17 that taking them to the ground could injure them,
18 correct?

19 A. That is correct.

20 Q. And then depending on some -- how hard someone
21 gets taken to the ground, what part of their body hits
22 what on the ground, obviously, you're aware and were
23 aware that someone could be seriously injured and even
24 killed doing that.

25 A. That is correct.

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1 Q. Therefore, it's incumbent on you obviously to do
2 your best to make sure that doesn't happen.

3 A. That is correct.

4 Q. But when you're taking someone to the ground or
5 they're otherwise going to the ground, there's a lot of
6 unknown factors, if you will, that go into kind of what
7 happens when they hit the ground, right?

8 A. That is correct.

9 Q. So I'll take it, you don't want to take them to
10 the ground unless you have to.

11 A. That is correct.

12 Q. Rather detain them standing up.

13 A. Yes, sir.

14 Q. And therefore, without the use of any force if
15 you can do so.

16 A. That is always preferable.

17 Q. Okay. And in that particular type of a
18 situation no use of force always preferable, you'd rather
19 use no force than any force at all?

20 A. Yes, sir.

21 Q. And part of the -- even the Use of Force
22 continuum teaches you that. If you could use no force
23 whatsoever and simply use your voice, if you will, or
24 your presence, that's the way to do it.

25 A. Yes, sir.

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1 Q. And you always try to use as little or no force
2 as possible before you go up the use of force, continue
3 to use force?

4 A. Yes, sir.

5 Q. You exhaust the options going from none to some
6 or all the way up to deadly force if you can, correct?

7 A. Yes, sir.

8 Q. That's exactly how you were trained.

9 A. Yes, sir. That is correct.

10 Q. And you even did that even on July 20 --
11 July 10, 2018, right?

12 A. That is correct.

13 Q. Okay. So plain and simple relative to the body
14 cams, Officer Grubbs, you knew as part of that training,
15 let alone on July 10, 2018, that you were supposed to
16 have the body cam on in buffering mode at all times,
17 correct?

18 A. That is correct.

19 Q. All right. How -- tell me, if you would -- on
20 the unit that you were wearing, do you know what it was
21 even called on July 10, 2018?

22 A. What the body camera device was called?

23 Q. Yes, sir. You know, the make, model, whatever
24 the heck it was.

25 A. It was Axon. It may have been the Body 2

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1 device. I -- I'm not exactly sure. But it was -- the
2 brand was Axon, A-x-o-n.

3 Q. Thank you.

4 And is that -- was that the very one that you
5 were trained on?

6 A. Yes, it was.

7 Q. All right. So in order for you to turn that
8 unit on to make it go into -- what does "buffering mode"
9 mean?

10 A. Well, sir, to just give you a quick synopsis of
11 the device. On top of the device there's a toggle
12 switch. That toggle switch goes back and forth. On one
13 end it would be off. Upon switching it over, the device
14 is turned on and placed in a buffering mode, which it
15 records -- I believe at the time, it was two-minute
16 cycles of video and then it erases itself, starts over.

17 Q. So by "buffering mode," it's on at all times.

18 A. It's on, but not recording. Yes, sir.

19 Q. Okay. And when you say "two-minute cycles,"
20 tell me what you understood that to mean.

21 A. So if we were on this video call right now --

22 Q. Yes, sir.

23 A. -- two minutes from now whatever we've --
24 whatever the camera has seen --

25 Q. Right.

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1 A. -- we delete it and another two minutes would
2 start.

3 Q. Thank you. Okay.

4 So it's always on and always recording
5 something --

6 A. (Whereupon, the witness nods head
7 affirmatively.)

8 Q. -- right?

9 A. Correct.

10 Q. But unless you do something else to it to put it
11 in some other mode, it's not going to keep whatever was
12 on there.

13 A. That is correct.

14 Q. All right. And that is part of the policies and
15 procedures in effect as of July 10, 2018, when there's a
16 situation that you are going to have interaction with
17 somebody that you are going to detain, the policies and
18 procedures required you to turn on the equipment; in
19 other words, not just buffering mode, right?

20 A. Yes, to record.

21 Q. Okay. And tell me -- you obviously didn't do
22 that here, correct?

23 A. That is correct.

24 Q. And to be fair and 100 percent honest, that is
25 in direct violation of the policy and procedures of the

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1 body cam at the time, July 10, 2018, correct?

2 A. That is correct.

3 Q. Okay. So tell me if you're in the car, the
4 patrol vehicle, right before you got out and exited the
5 vehicle and went over toward my client, was your body cam
6 in the buffering mode?

7 A. It was not.

8 Q. So it was completely off?

9 A. It was completely off. Yes, sir.

10 Q. Why?

11 A. From that time prior to the incident occurring,
12 I believe we had just come from the jail and I had taken
13 a bathroom break. And I believe while in the bathroom, I
14 turned the camera completely off and inadvertently, I
15 just failed to turn it back on into the buffering mode.

16 Q. Okay. What time were you guys at the jail?

17 A. I'm not exactly sure. I would have to look at
18 the records for that.

19 Q. The blue sheet?

20 A. That may have been on the blue sheet.

21 Q. Okay. What were you doing at the jail?

22 A. I believe we were booking in another arrestee.

23 Q. Okay. So you get out of the jail and -- I mean,
24 do you know -- and -- and I don't mean to be silly, but
25 let's talk about the bathroom break.

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1 Under the policies and procedures since you had
2 the camera on, were you supposed to leave it on even for
3 the bathroom break?

4 A. I don't recall exactly if there was a
5 specific -- I believe there is a subsection in there that
6 you can turn it off, but I'm not a -- I'm not a hundred
7 percent sure.

8 Q. Okay. The fact of the matter is if we could
9 skip over a bathroom break, when you got back into the
10 car, at the very least, it was supposed to be on in the
11 buffering mode.

12 A. That is correct.

13 Q. When you then got in the car, you see my client,
14 and you're thinking about getting out of the vehicle
15 pursuant to the policies and procedures that you're now
16 going to get out and go on foot, do a foot pursuit,
17 you're supposed to again turn it on fully for it to
18 record, correct?

19 A. That is correct.

20 Q. And obviously, you didn't do that either, did
21 you?

22 A. That's correct.

23 Q. All right. Now, how about Shelley; did Shelley
24 have his body camera on at the jail as far as you know?

25 A. At the jail, I'm not sure.

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1 Q. Okay. Did he have his on in the car on buffer
2 switch -- the buffer mode?

3 A. I -- I'm not sure. You would have to ask him.

4 Q. I will. Do it tomorrow.

5 When -- when -- how about when he was getting
6 out of the car; do you know if he turned his on?

7 A. I do not know.

8 Q. Okay. I mean, to be fair, both of you were
9 supposed to have them on, right?

10 A. That is correct.

11 Q. And neither -- as far as you know, neither one
12 of you did.

13 A. I know that I didn't. I just can't speak to the
14 status of his camera.

15 Q. When you come -- Officer Grubbs, you talk to
16 Shelley. You know he didn't have it on, don't you?

17 A. I don't know that.

18 Q. Okay. Have you ever talked to him about that?

19 A. About his specific camera, no.

20 Q. Yes, sir.

21 You would agree with me that if you would have
22 had your body camera on, as you were required to do under
23 the policies and procedures, we'd have a lot more
24 information than we have about the events between you and
25 my client on July 10, 2018, right?

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1 A. I would agree.

2 Q. Is it your sworn testimony, sir, that you did
3 not have that body camera on at all that day? Oh.
4 Sorry. Relative to my client's interaction and incident?
5 Sorry. I apologize.

6 A. Yes. That is correct. For the incident, it was
7 not activated.

8 Q. But at no time did you or anybody that you're
9 aware of engage in something to do with this recording
10 that -- in other words, that there was a recording that
11 now they erased or somehow got rid of?

12 A. That is correct.

13 Q. You would agree with me that -- if it
14 hypothetically happened, that it did record and somebody
15 then somehow got rid of that footage, you agree with me
16 that that would be obstructing justice and destroying
17 evidence.

18 A. I would.

19 Q. Then you would agree that's a very serious
20 offense.

21 A. I would.

22 Q. And you'd -- you would -- nor anybody that you
23 know of engaged in that relative to your camera, correct?

24 A. That is correct.

25 Q. Thank you.

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1 To the best of your knowledge, Officer Grubbs,
2 did you make it known as part of this investigation to
3 your supervisors, including internal affairs and GBI,
4 that you didn't have your body camera on?

5 A. I believe I stated that in my internal affairs
6 statement.

7 Q. Did you admit that the policies and procedures
8 of the department required you to have it on, that you
9 violated the policy?

10 A. I did not make any admission. I just merely
11 stated facts.

12 Q. Okay. You don't recall anybody asking you if
13 you admit that you violated that policy procedure?

14 A. I'm sure that that question was asked if the
15 camera was on during the internal affairs interview.

16 Q. I guess here's where I'm going. If internal
17 affairs' entire job is to figure out whether you violated
18 policy and procedures -- you admit you didn't have your
19 camera on, you admit that there's a policy that requires
20 you to have the camera on -- it shouldn't take them two
21 and a half years to conclude you violated the policy and
22 procedures about not having your camera on, agreed?

23 MS. MILLER: Objection.

24 Sir, you can answer.

25 THE WITNESS: Okay. I agree and -- that it

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1 should not take two and a half years.

2 Q. (By Mr. Johnson) Okay. And if it turns out
3 that Officer Shelley didn't have his camera on either,
4 likewise, that would be a violation of that same policy.

5 A. Yes, sir.

6 Q. Are you aware -- and again, sir, you may not be.
7 Are you aware -- sorry. Looking through my notes. I
8 want -- I want to cite to you the actual agency. Forgive
9 me. I'll do it -- I'll start all over in a minute.

10 (Whereupon, the plaintiff's attorney
11 reviewed documents.)

12 Q. (By Mr. Johnson) The Atlanta Citizen Review
13 Board, ACRB, who's that, if you know?

14 A. That's a group of citizens. It's a independent
15 civilian entity.

16 Q. Okay. If we have information in this case that
17 in 2014, the Atlanta City Council authorized the police
18 department to purchase 1,200 body-worn cameras and video
19 storage from Taser International for \$5.6 million, are
20 you aware of that generally as being true?

21 A. I was -- you know, I just heard information here
22 and there. I don't know the specifics of that deal.

23 Q. Okay. Were you aware -- maybe you are not --
24 that at least -- that one of the goals of the department
25 in doing that was to try to increase the effective

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1 management and enforcement and, in essence, to generally
2 change the police culture as it interacted with the
3 general public?

4 A. Yes, sir. I would say so.

5 Q. And I know we've -- I certainly need to tell
6 you, Officer Grubbs, a black male that even as -- last
7 year, the transparency of interactions with police and so
8 forth, even you as a cop on the street, you get that,
9 right, that's important?

10 A. I do.

11 Q. Is it your testimony, Officer Grubbs, that at no
12 time before getting out of that vehicle or even anywhere
13 on -- after getting out of the vehicle on July 10, 2018,
14 that at no time did you intentionally turn off your
15 on-body camera?

16 A. That is correct.

17 Q. Are you familiar -- famil- -- do it again.

18 Are you familiar with the City of Atlanta's
19 Auditor's Office? Do you know who that is?

20 A. I am not familiar with that particular office
21 here.

22 Q. Were you aware at any time, even through the
23 present time, of that office or at least any I'll call it
24 city agency determining that the Atlanta police officers
25 were not using body-worn cameras as intended and that the

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1 officers failed to capture two-thirds of the dispatch
2 calls from November 27, '17 through May 2018?

3 A. I'm not aware of that.

4 Q. Have you ever heard anything about that
5 whatsoever?

6 A. I can recall maybe some type of memorandum at
7 some point stating that officers needed to use their
8 cameras more, but...

9 Q. And if it's true that between November of 2017
10 through May of 2018 -- and I know it's not lost in here
11 these events that we're talking about today is July of
12 2018. So that's, you know, a couple of months after that
13 time span, correct?

14 A. Yes, sir.

15 Q. So if from November of 2013 through May of
16 2018 -- that's two months in 2017 and another five, so
17 seven-month period of time -- if the Atlanta police
18 officers as a whole failed to capture two-thirds of the
19 dispatch calls during that time frame, that is a
20 significant, significant number of calls missed, right?

21 A. I would say so.

22 Q. And it certainly shows a failure of those folks
23 to follow what was already in place as policies and
24 procedures to have them on, if that's true, correct?

25 A. Yes, sir.

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1 Q. And that would certainly suggest to you, Officer
2 Grubbs, that if two-thirds of dispatch calls were not
3 being recorded suggest to you that it's a little bit more
4 than just maybe someone forgetting, don't you think?

5 A. It's possible. I can't speak to the mindset of
6 our whole department.

7 Q. Agreed.

8 But just with -- if that number is correct,
9 two-thirds of calls missed in seven months certainly
10 is consistent and, I think, highly suggestive that
11 officers were intentionally not doing it. Don't you
12 agree?

13 MS. MILLER: Objection. You can answer.

14 THE WITNESS: I believe that that could signal a
15 possible issue in policy or training with officers.

16 Q. (By Mr. Johnson) Do you remember at any time
17 from May of 2018 through -- I know it's only two months,
18 July 10 of 2018 -- do you remember at that point in time
19 getting any type of an internal memorandum, speech,
20 lecture, anything from administration of the department
21 saying we've now got evidence that guys and gals out
22 there are not turning your cameras on, you need to do
23 this every day or you're going to be disciplined?

24 A. I don't recall any specific communication
25 between that time period.

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1 Q. If it's true that in that same time span, there
2 are -- two-thirds of dispatch calls were not being
3 recorded and if people are not being disciplined for it,
4 that's a pretty big signal by management administration
5 that don't worry if you don't abide by that policy and
6 procedure, isn't it?

7 MS. MILLER: Objection.

8 You can answer to the extent you can.

9 THE WITNESS: I can't speak to the mindset of
10 the command staff.

11 Q. (By Mr. Johnson) Okay. But as a line officer,
12 as a guy out there on the streets every day, if it's
13 known by administration that two-thirds of the calls
14 aren't being recorded, the fact of the matter is the
15 message to you guys -- to you -- is apparently that's not
16 a big deal to administration.

17 A. That message was never communicated to me, that
18 I can recall.

19 Q. Okay. Not -- maybe not expressly, but how about
20 through lack of action, sir?

21 MS. MILLER: Objection.

22 But you can answer.

23 THE WITNESS: I'm not really sure how to answer
24 that.

25 Q. (By Mr. Johnson) Okay. Let's do this, Officer.

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1 Let's say that in May of 2018, that folks in the police
2 department were aware that two-thirds of the calls for
3 that seven-month period from November 2017 to May 2018
4 had missed turning their camera on and that every single
5 one of those officers that did that got disciplined for
6 it. That would be a lot of officers getting disciplined,
7 wouldn't it?

8 A. Two-thirds? Yeah, that would be a lot.

9 Q. I mean, any -- any -- without just guessing,
10 picking a number, even a -- an estimate, how many
11 dispatch calls from November '17 to May of 2018 -- I
12 mean, there has to be thousands, don't you think?

13 MS. MILLER: Objection.

14 You can answer if you know.

15 THE WITNESS: I don't have a specific number on
16 that. That's something you would have to ask the
17 communications division. But it's a lot I'm sure.

18 Q. (By Mr. Johnson) So if all of sudden in May
19 2018, you became aware that officers out there were being
20 disciplined for failure to turn their camera on, it
21 certainly would send a message to you and other officers
22 I better make sure this thing's on, right?

23 MS. MILLER: Objection.

24 You can answer.

25 THE WITNESS: It may.

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1 Q. (By Mr. Johnson) And to be fair, if those
2 officers or any officers were being disciplined as a
3 result of that, it might have been a little extra of a
4 reminder for you two months later to make sure yours was
5 on, on the day of this incident?

6 MS. MILLER: Objection.

7 You can answer.

8 THE WITNESS: It's possible.

9 Q. (By Mr. Johnson) Going back to July 10, 2018
10 now, my client is -- has his back to you and he is within
11 a few feet of the guardrail. And that's when you said
12 you said -- or you told him stop.

13 A. That is correct.

14 Q. But he did not stop.

15 A. That is correct.

16 Q. Now, my client, as I told you earlier today, I
17 want you to assume was a 65-year-old man. I'll take it,
18 he probably wasn't exactly what I would say --
19 characterized as sprinting away from you, was he?

20 A. He was running.

21 Q. Okay. Are you going to tell me that he hurdled
22 this steel guardrail or did he step over it?

23 A. He got over it in a fairly quick manner. I
24 can't remember if he hopped, jumped, hurdled.

25 Q. And you know what I mean by "hurdles," right?

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1 A. Yes.

2 Q. In other words, he had to lift one leg up and
3 put -- swing it over top and then the other leg up and
4 over the top, correct?

5 A. Correct.

6 Q. That's what he did.

7 A. In some manner.

8 Q. Right.

9 A. That's correct.

10 Q. And I'll take it, when he was doing that,
11 obviously, his back is still somewhat towards you.

12 A. That is correct.

13 Q. But still even as in him going over the
14 guardrail, you did not see him reach for any weapon or
15 ever have any weapon in his hand.

16 A. That is correct.

17 Q. You didn't hear him say anything to you at all.

18 A. That is correct.

19 Q. That's -- no verbal threats, swear words,
20 anything, nothing.

21 A. No verbal communication.

22 Q. It just looked to you like he was trying to get
23 away.

24 A. That is correct.

25 Q. Straight up, Officer Grubbs, have you ever been

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1 chased by somebody that you didn't know?

2 A. Not that I can recall in any recent memory.

3 Q. Okay. And as a police officer, I'll take it,
4 you've had foot pursuits before?

5 A. Yes, sir.

6 Q. And ultimately, talked with folks. I'm sure
7 you, like many folks -- police officers say, like, "Why
8 did you run?"

9 A. Yes, sir.

10 Q. Okay. And there's a variety of reasons for
11 running, right? Some -- but not so good and others may
12 be better excuses. But you and I can agree, right,
13 that -- that you've heard them, right, the excuses?

14 A. Yes, sir.

15 Q. But one of them I'm sure you've heard before is
16 that they were -- didn't know that you were a police
17 officer. You've heard people say that.

18 A. Many times.

19 Q. And you may not believe it, but you've heard
20 them say that?

21 A. Yep. That is correct.

22 Q. And -- and I'll take it, that if -- if you're
23 running after somebody and you are 5-foot-5 and shall we
24 say a very strong, athletic build, it might cause some
25 people to be afraid, whether you're a police officer or

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1 not, right?

2 A. I suppose that's possible.

3 Q. Had you ever crossed over that guardrail before?

4 A. I had not.

5 Q. Had Officer Shelley, to the best of your
6 knowledge?

7 A. I'm not sure.

8 Q. Okay. I'll take it, you knew -- without knowing
9 the exact terrain or anything, you knew that over that
10 guardrail and through that wooded area, ultimately was
11 another ramp?

12 A. I was aware of the location of that ramp.

13 Q. So in other words, where my client's standing,
14 in essence, he's in between two different ramp areas.

15 A. That is correct.

16 Q. So you told us that the ramp that he was on
17 before -- we've already mentioned it, all the numbers and
18 stuff. But the ramp that he was heading towards, what's
19 that one?

20 A. When he was fleeing, the ramp that he was
21 heading towards would have been the on-ramp for I-20
22 eastbound at Windsor Street.

23 Q. And what's the W word you said?

24 A. Windsor Street.

25 Q. Windsor. W-i-n-d-s-o-r?

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1 A. Yeah, Windsor Street Southwest.

2 Q. Thank you. Okay. Got it.

3 So at least in terms of where he was going,
4 right, you could clearly see when you were on -- you were
5 in pursuit after him, right?

6 A. Yes, sir.

7 Q. Were you running, too?

8 A. I was running, yes.

9 Q. Okay. So you knew that he -- that there --
10 there were woods right there, correct? You could see
11 that before he even got to it.

12 A. Yes, sir.

13 Q. And then you were generally aware of the
14 location of that other ramp you just described.

15 A. Yes, sir.

16 Q. All right. Fair to say, Officer Grubbs, that
17 your training that you were given by Atlanta Police
18 Department, you were exercising that training even as you
19 were on foot pursuing my client, correct?

20 A. Yes, sir.

21 Q. Okay. And as part of that training, you
22 certainly knew at that time that if he's on foot running
23 away from you and you are chasing behind him, not a smart
24 thing to do if you are truly afraid for your life that he
25 has a weapon, agreed?

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1 A. Possibly. Yes, sir.

2 Q. In other words, you wouldn't want to run after
3 somebody who's got a weapon that could turn around and
4 use it against you, right?

5 MS. MILLER: Objection.

6 But you can answer.

7 THE WITNESS: That is all dependent on specific
8 circumstances.

9 Q. (By Mr. Johnson) Yep.

10 And in these circumstances, you're own -- when
11 you were running after him, you were -- always in the
12 back of your mind pursuant to your training, you have to
13 be concerned that he might have a weapon, right?

14 A. That is correct.

15 Q. But the fact of the matter is had you seen one
16 by then or be -- if you were truly concerned that he had
17 one and that he was likely to use it, you would not have
18 been running right behind him.

19 MS. MILLER: Objection.

20 But you can answer.

21 THE WITNESS: That would all depend on if he had
22 a weapon and what that specific weapon was.

23 Q. (By Mr. Johnson) But we know that didn't happen
24 here is my point.

25 A. No. That did not happen here.

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1 Q. Right.

2 You were not running after him with him running
3 away from you in fear of your life at this time, were
4 you?

5 A. No, I was not in fear of my life.

6 Q. And other than him fleeing on foot and trying to
7 evade arrest at that particular point in time, he was in
8 no way any type of a fleeing felon, was he?

9 A. Not to my knowledge, no.

10 Q. Okay. And at -- at this time -- at no time when
11 he was going over the guardrail were you worried about
12 that he was trying to get away to go hurt somebody else.

13 A. I had no information of that at that time.

14 Q. Nor did you think, when he's going over the
15 guardrail, that he was trying to intentionally hurt
16 himself in any way.

17 A. I did not believe so.

18 Q. Okay. Plain and simple, you thought he was
19 trying to get away.

20 A. Yes, sir.

21 Q. And as part of your training, experience
22 obviously, one of the things that you've got to take into
23 consideration -- and I'm sure you did that day -- was the
24 nature of the alleged offense for which you were pursuing
25 him, right?

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1 A. That is correct.

2 Q. And clearly the severity of the crime of
3 panhandling is pretty low, isn't it?

4 A. That is correct.

5 Q. And at most, if you will, what you were seeing,
6 my client's actions were consistent with somebody that
7 you felt was elderly, potentially homeless, begging for
8 money; in other words, a non-violent misdemeanor.

9 MS. MILLER: Objection.

10 You can answer.

11 THE WITNESS: Every part except elderly.

12 Q. (By Mr. Johnson) Okay. You didn't think he
13 looked elderly at age 65.

14 A. I had not made a determination as to what his
15 age may or may not have been.

16 Q. He certainly didn't look like a young man that
17 was immediately aggressive towards you and putting you at
18 risk.

19 A. No.

20 MS. MILLER: Objection, asked and answered.

21 But you can answer.

22 Q. (By Mr. Johnson) Not only did my client never
23 threaten or otherwise verbally or physically threaten
24 you, he never did that to Officer Shelley either, did he?

25 A. No.

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1 Q. So when he was running away and getting over
2 that guardrail, he was not, at that time, constituting
3 what you considered to be an active threat to you or
4 others.

5 A. No, sir. But I'm sure as you've read and that
6 was indicated in the report, once I began to gain ground
7 on him and he had hopped over the meadow area there of
8 the guardrail, that he did swing at me.

9 Q. Okay. Well, we're going to get to that.

10 Swinging at you is a big deal, isn't it?

11 A. It can be. Yes, sir.

12 Q. Just like you say "stop" to somebody and they
13 don't stop. Big deal.

14 A. Yes, sir. It can definitely become a big deal.

15 Q. Not something that you would typically not
16 remember, right?

17 A. I'm sorry. Remember what?

18 Q. If someone swung at you, whether it's their arm,
19 their legs, or anything, that's not something that you as
20 a police officer are going to forget.

21 A. That is correct.

22 Q. And certainly something you'd want to put in a
23 police report.

24 A. That is correct.

25 Q. And if you told other people about what

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1 happened, you would expect other people to remember -- to
2 a police officer -- that this person swung at me or
3 otherwise tried to hurt me.

4 A. Yes, sir.

5 MS. MILLER: Objection.

6 But you can answer.

7 MR. JOHNSON: I apologize to you for
8 interrupting, Counsel. Please go ahead.

9 MS. MILLER: I was just putting an objection on
10 the record, but -- but Mr. -- Officer Grubbs can answer.

11 MR. JOHNSON: Thank you. I believe he already
12 answered. Court reporter can you tell me, please.

13 THE WITNESS: I -- I answered, sir.

14 THE COURT REPORTER: Yes, it was, "Yes, sir."

15 MR. JOHNSON: Okay. Thank you.

16 Q. (By Mr. Johnson) Swinging at a police officer
17 like you or otherwise intentionally trying to kick,
18 swing, punch, push, whatever under certain circumstances
19 can be a felony, can't it?

20 A. Yes, sir. It can.

21 Q. And it certainly can be a threat to you, can't
22 it?

23 A. Yes, sir.

24 Q. And again, something you know that you need to
25 report in a police statement about -- an official police

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1 statement about what happened. It's certainly not
2 something you'd forget about.

3 A. Yes, sir. That is correct.

4 Q. Same thing. If a person like my client ignored
5 your commands, that's an important thing to include in an
6 official police report, isn't it?

7 A. Yes, sir. It is.

8 Q. So you would expect -- as it relates to the
9 events involved in this instance, you would expect that
10 anybody that's going to be dealing with a review of this
11 situation, that they would know and record that you said,
12 "Stop"; my client didn't. Right?

13 A. Yes, sir.

14 Q. And you would expect them to record and state
15 and know that my client allegedly swung at you, right?

16 A. That is correct.

17 Q. That's small details to leave out, agreed?
18 Correct?

19 A. Yes, sir.

20 Q. So my client gets to the guardrail. And I want
21 you to kindly tell me when he is going over the guardrail
22 with one leg at a time as you've described, how close
23 were you to him when he was doing that?

24 A. As Mr. Blasingame was making his way over the
25 guardrail, I had caught up with him pretty significantly

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1 and was almost able to reach out and grab him.

2 Q. Okay.

3 A. And at that time, he had already made his full
4 body over the guardrail.

5 Q. Okay. And I didn't get that last part.

6 What did he swing at you?

7 A. It was one of his arms.

8 Q. Left arm or right arm?

9 A. I'm not 100 percent sure at this point in time.

10 Q. Did he still have that piece of paper in his
11 hand that he -- that you saw on the roadway?

12 A. I'm not sure.

13 Q. So if his back is to you getting one leg over,
14 then the other leg over, help me to better understand.
15 Because when I think of someone swinging at me, it
16 typically involves them facing me.

17 A. I believe he had turned around slightly and it
18 may have been his right arm that had made that swinging
19 type motion.

20 Q. Okay. And when you say a swing type motion, can
21 you show me.

22 A. I believe it came from -- like this
23 (indicating). It was that type of a motion.

24 Q. So in essence, he had his arm relatively
25 straight, came from above, an extension out from his

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1 shoulder, and then brought it toward the front of his
2 body toward you?

3 A. That is correct.

4 Q. And did any part of his arm or hand touch you?

5 A. No, it did not.

6 Q. So I'll take it, you -- did you step back and
7 avoid it? What did you do?

8 A. It gave me a brief moment of pause.

9 Q. Okay. So what did you do?

10 A. At that time, I continued to observe
11 Mr. Blasingame fleeing down the small dirt path --

12 Q. Okay.

13 A. -- towards the Windsor Street on-ramp.

14 Q. Okay. And I'll take it, then, you continued to
15 pursue him.

16 A. At that time, I had stopped my pursuit.

17 Q. Okay. And what did you do?

18 A. At that time, I drew my Taser and I deployed my
19 Taser at Mr. Blasingame.

20 Q. When you deployed your Taser, were you still on
21 the road side of the guardrail or were you over top of
22 the guardrail and into the woods already?

23 A. I believe I may still have been on the other
24 side of the guardrail towards the road, but I'm not a
25 hundred percent sure.

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1 Q. So you claim that my client swung at you. You
2 stayed on the same side of the guardrail, pulled out your
3 Taser, deployed the Taser all from the area of that
4 guardrail?

5 A. That is correct.

6 Q. You did not, that you recall, go over top of the
7 guardrail into the woods and Taser him while you were
8 actually in the woods?

9 A. That is correct.

10 Q. You did not give him a verbal warning of any
11 kind from the time that you even be- -- thought of or did
12 deploy the Taser until you deployed the Taser, did you?

13 A. I did not give any verbal warning.

14 Q. And you obviously had the time to do it. You
15 just didn't do it.

16 A. I did not give a verbal warning.

17 Q. You had the time to do it, had you chosen to.
18 But you didn't do it.

19 A. It was a very quickly evolving situation and --

20 Q. Yes, sir.

21 A. -- I did not give a verbal warning.

22 Q. Right. I understand that.

23 Back to my question. You didn't give a
24 verbal --

25 A. I do not believe I had time.

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1 Q. Okay. Well, now you just changed your answer.
2 Which one is it?

3 A. I do not believe I had the time and I did not
4 give a verbal warning.

5 Q. You did not give a verbal warning, sir. But
6 that has nothing to do with the fact that -- but if you
7 gave a verbal warning, that it was somehow going to
8 endanger yourself. Agreed?

9 MS. MILLER: Objection.

10 But you can answer if you understand the
11 question.

12 THE WITNESS: Mr. Johnson, if you want to repeat
13 your -- your baseline question again --

14 MR. JOHNSON: Okay.

15 THE WITNESS: -- and maybe I can give you a
16 better answer.

17 Q. (By Mr. Johnson) Thank you, sir.

18 We could agree you did not give a verbal warning
19 before you deployed the Taser, correct?

20 A. That is correct.

21 Q. Okay. Now, the fact of the matter is no one
22 forced you to deploy your Taser; that was your choice,
23 correct?

24 A. That is correct.

25 Q. You could have left your Taser in your pocket,

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1 continued to go after him on foot.

2 A. That is correct.

3 Q. You could have hopefully caught up to him,
4 right?

5 A. That is correct.

6 Q. And then you could have tried to use your hands
7 and/or anything else to detain him and go from there.

8 A. That is correct.

9 Q. You didn't try any of that. You are the one
10 that went from no physical interaction to Taser, correct?

11 A. That is correct.

12 Q. We can agree that if my client is running away
13 from you, had you been in fear for -- we already
14 established you were not in fear of your life at the time
15 you deployed the Taser, correct?

16 A. That is correct.

17 Q. All right. But had you been in fear even not of
18 your life but of your safety, you didn't have to have any
19 interaction. You could have just let him run.

20 MS. MILLER: Objection.

21 THE WITNESS: That is --

22 MS. MILLER: Objection.

23 But you can answer.

24 THE WITNESS: That is correct.

25 Q. (By Mr. Johnson) Okay. The simple fact is that

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1 you were trying to stop him from getting away in the
2 quickest way you could without using your firearm.

3 A. Yes, sir.

4 Q. How far do those probes shoot?

5 A. I believe the Tasers at the time had a range
6 of -- I think an effective range of up to 25 feet. I'm
7 not ex- -- 100 percent sure of that.

8 Q. Okay. When you shot the Taser -- the fact that
9 you didn't give a verbal warning, did -- has nothing to
10 do with you thought you were putting yourself or somebody
11 else in harm's way if you were to give them that verbal
12 warning.

13 A. That is correct.

14 Q. When you shot the Taser, could you even see the
15 hill?

16 A. I saw the slight decline in the trail.

17 Q. Are you aware of how many feet it is from the
18 guardrail down to the metal box that I'm going to assume
19 is some type of electrical type box?

20 A. No, I'm not.

21 Q. Do you know what that metal box is?

22 A. My guess is it's some type of traffic control
23 device for GDOT.

24 Q. Okay. And obviously it's looks like a kind of a
25 locker type thing, right, big rectangle, right, with a

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1 handle?

2 A. That is correct.

3 Q. And it's on top of some type of a concrete slab?

4 A. That is correct.

5 Q. Had you ever heard in your career, Officer
6 Grubbs, about people being injured and/or killed by the
7 use of Tasers?

8 A. In training, yes.

9 Q. And I'll take it, that depending on the
10 situation, Tasers can be considered deadly force?

11 A. We consider them to be a less lethal weapon.
12 They could result in serious injury or death.

13 Q. Okay. You know, I forgot to mention that --
14 we -- we talked about your -- your belt. As opposed to
15 shooting the Taser, you could have gone over top of the
16 guardrail, we talked about and used, potentially nothing
17 if possible. We don't know, right?

18 A. Yes, sir.

19 Q. You could have used that baton that's on the
20 right hip area?

21 A. Yes, sir.

22 Q. And at that particular point in time if he
23 resisted, you had your pepper spray still available;
24 right?

25 A. That is correct.

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1 Q. And then we work our way around the belt.
2 Obviously if you could get him down or even put his hands
3 behind his back voluntarily, you had your cuffs?

4 A. That is correct.

5 Q. And no doubt you knew that when you deployed the
6 Taser that Mr. Blasingame was -- had his back turned
7 toward you, correct?

8 A. Yes, sir.

9 Q. So you shot at and intended to shoot him in the
10 back?

11 A. I did.

12 Q. And I'll take it you said you used the Taser
13 many times -- or multiple times before and I'll take it,
14 you've seen people -- when they get Tased, you've seen
15 them fall to the ground.

16 A. Yes, sir.

17 Q. And much like folks who are taken to the ground,
18 folks who fall to the ground, there's always the
19 potential for them being injured when they fall.

20 A. Yes, sir.

21 Q. By hitting the ground in a particular way,
22 correct?

23 A. That is correct.

24 Q. You know that by using the Taser, it certainly
25 can debilitate somebody's legs and that's part of the

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1 reason for using it, so they can't get away?

2 A. That is correct.

3 Q. And when you take somebody's legs away while
4 they're walking or running, that could cause them to fall
5 to the ground hard, can't it?

6 A. Yes, sir.

7 Q. And if there's objects in the area, that can
8 cause them to fall to the ground and hit objects,
9 correct?

10 A. That is correct.

11 Q. And as we talked about before today, there's
12 always that possibility -- in other words, we call it
13 foreseeable -- that they can sustain serious injury
14 and/or death by hitting those things in a particular way.

15 A. Yes, sir.

16 MS. MILLER: Objection.

17 But you can answer.

18 Q. (By Mr. Johnson) So when you deployed -- when
19 you -- when you used the Taser, you could see that there
20 was, in fact, a decline; in other words, there was a
21 little bit of a hill there that went down.

22 A. I could view a slight decline. Yes, sir.

23 Q. So that meant that you knew that if you hit
24 Mr. Blasingame in the back with the Taser, that he
25 conceivably could fall down that hill.

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1 A. It was a possibility.

2 Q. Can you tell me -- Officer Grubbs, tell me the
3 name, if you have one, of the one or more officers from
4 ATL who trained you that it was acceptable to shoot
5 somebody in the back with a Taser while they're running
6 away from you?

7 A. I can't give you any specific names.

8 Q. Did anybody from the Atlanta Police Department
9 ever tell you that you shouldn't shoot people in the back
10 with a Taser while they're running away from you?

11 A. No, sir. I was just advised as to what the
12 policy was and what exceptions were in the policy.

13 Q. In fact, would you agree, Officer Grubbs, that a
14 reasonably prudent officer in that very position that you
15 were in at the split second before you deployed your
16 Taser would know that it would be unreasonable to utilize
17 that force with someone running away from you who is at
18 that point in time being investigated for a --
19 non-violent misdemeanor?

20 MS. MILLER: Objection.

21 But you can answer.

22 THE WITNESS: I can't see that, sir. I can only
23 give you my mindset at the time.

24 Q. (By Mr. Johnson) You do not agree that it was
25 unreasonable use of force at that time?

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1 A. I do not think it was unreasonable.

2 Q. Are you aware that other officers in your
3 position would be -- could take the -- could reasonably
4 take that position, that it is unreasonable. It's
5 excessive force. Shouldn't do it.

6 A. I have not heard that from anybody, so...

7 Q. Okay. I mean, do you -- do you believe that
8 somebody could look at that and be a reasonably prudent
9 officer and determine shouldn't use that amount of force
10 at that time like that?

11 A. It's possible.

12 Q. At the time on July 10, 2018, you were familiar
13 with the fact that the Taser -- this is pursuant to the
14 policy -- "shall not be deployed on subjects actively
15 running on foot from officers." Were you aware of that?

16 A. I was.

17 Q. But that's exactly what you did.

18 A. That is correct.

19 Q. So 4.4.8, I'll read the whole thing. "The
20 CEW" -- we've already talked about. That's the Taser,
21 right?

22 A. Yes, sir.

23 Q. "Shall not be deployed against handcuffed
24 sub- -- subjects" -- well, we can agree my client was not
25 handcuffed, right?

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1 A. That is correct, sir.

2 Q. "Subjects actively running on foot from
3 officers." That's exactly what my client was doing.

4 A. That is correct.

5 Q. There are other -- I'll read the rest. "Visibly
6 pregnant women." We can agree my client was not a
7 visibly pregnant woman.

8 A. I don't believe he was.

9 Q. It says -- it does say in part of the policy
10 "the elderly," right?

11 A. That is correct.

12 Q. And I'll take it, you would agree with me a
13 65-year-old man is elderly.

14 A. I would agree.

15 Q. "Small children" doesn't apply, right?

16 A. That is correct.

17 Q. "Or visibly frail persons." Did he look frail
18 to you or no?

19 A. He did not look frail to me.

20 Q. Okay. "Unless exigent circumstances exist that
21 endanger the safety of the officer, suspect, or third
22 party." You're familiar with that?

23 A. Yes, sir. I am.

24 Q. Well, we've already been through this and you've
25 already agreed that when you shot the Taser -- when you

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1 deployed the Taser, you were not endangered because my
2 client was running away from you, correct?

3 A. That is correct.

4 Q. And you already agreed that you didn't think my
5 client was trying to hurt himself, so he wasn't -- he's
6 the suspect. He wasn't endangering his own safety, to
7 the best of your knowledge.

8 A. That is correct.

9 Q. Or any third party, correct?

10 A. I believe that he could have posed a danger to
11 traveling vehicles.

12 Q. Okay. But at the -- when you shot him, he's
13 nowhere near those vehicles. You didn't know where he
14 was going to go, did you?

15 A. He was heading that direction.

16 Q. I understand.

17 But, Officer Grubbs, you're not going to really
18 tell me under oath, are you, that you shot my client in
19 the back with a Taser while he's running away from you
20 because you aware -- you were concerned for the safety of
21 the drivers on the roadway?

22 A. That is exactly what I'm saying.

23 Q. You don't think that's unreasonable?

24 A. No, sir. I don't given that many people that
25 flee in highway areas commonly reenter the highway.

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1 Q. So I'll take it, you don't think you violated
2 that standard, 4.4.8?

3 A. No, sir. I don't think so.

4 Q. Are you aware that that's one of the things that
5 GBI was investigating?

6 A. I'm not aware as to what their specific probe
7 investigated.

8 Q. Okay. Were you aware that that's one of the
9 things that IA was investigating?

10 A. I assume so.

11 Q. Well, I -- we've talked about the potential for
12 people being injured when they fall. At -- and have you
13 ever heard the term "an uncontrolled fall"?

14 A. Yes, sir. I have.

15 Q. And that's certainly what can happen and
16 you know can happen and apparently did happen here after
17 my client was hit with the Taser.

18 A. Yes, sir.

19 Q. And you would agree that a reasonably -- a
20 reasonable police officer in your very position, right
21 before deploying the Taser, should consider the
22 environment; in other words, the -- where this -- the
23 person is standing.

24 A. Yes, sir.

25 Q. Okay. Obviously, if somebody gets the Ta- --

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1 gets hit with a Taser and there's a hill that they're on,
2 it certainly could fall -- cause them to fall.

3 A. I consider that is a possibility.

4 Q. After the Taser was deployed, what did you see?

5 A. I saw Mr. Blasingame fall forward.

6 Q. And then what did you see?

7 A. That is all that I saw and so I made my way down
8 the trail.

9 Q. And then when you got down the trail, what did
10 you see?

11 A. Mr. Blasingame was lying in a face-down manner
12 next to the traffic control box on top of a small slab of
13 concrete.

14 Q. Was he moving when you got to him?

15 A. No, he was not.

16 Q. Did you ever see him move that you considered to
17 be voluntarily on his own?

18 A. No.

19 Q. Did you leave him face down on the ground like
20 the way it was when you first found him?

21 A. When I first found him, yes.

22 Q. Did you ever turn him over?

23 A. Yes. At some point.

24 Q. You didn't turn him over right away, did you?

25 A. I don't believe so.

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1 Q. Why not?

2 A. No particular reason. I just didn't turn him
3 over right away.

4 Q. Before you turned him over, were you able to see
5 the pool of blood underneath his head and face?

6 A. Yes, I was.

7 Q. So you knew -- or you suspected -- excuse me --
8 that he was injured.

9 A. I did.

10 Q. You didn't know if he was unconscious when he
11 was faced down, did you?

12 A. I did not.

13 Q. But you assumed that that was a possibility.

14 A. At that time, he appeared to be unresponsive to
15 verbal stimuli.

16 Q. Okay. So you understood that he might be
17 unconscious.

18 A. That is correct.

19 Q. And although he was still face down, you saw the
20 blood, you knew that he might have sustained a head
21 injury.

22 A. That was a possibility.

23 Q. And you know that if someone sustains a head
24 injury, depending on the circumstances, it can be a
25 life-threatening event?

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1 A. I do.

2 Q. And immediate first aid is what's best for
3 somebody in any type of a traumatic situation, but
4 especially a head injury.

5 A. Yes, sir. I would agree with.

6 Q. And yelling at somebody who's unconscious to
7 keep breathing really doesn't help much medically, does
8 it?

9 A. I would suppose not.

10 Q. Okay. Under the law as a police officer, my
11 client, when you got over to him, was clearly being
12 detained, wasn't he?

13 A. Yes, sir. I would say he was in custody.

14 Q. Thank you.

15 When did he get in custody in your mind?

16 A. When I had made contact with him.

17 Q. By way of your Taser?

18 A. I would say he was in custody when I had made
19 contact with him down near the box.

20 Q. Okay.

21 A. Had been in police custody at that point.

22 Q. So without any question, my client was injured
23 in the course of you placing him into custody.

24 A. I believe so.

25 Q. Had he not been placed into custody -- we don't

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1 know -- obviously, no one has a crystal ball.

2 But the likelihood is he certainly wouldn't have
3 been injured in the way in which he was injured, to the
4 best of our knowledge.

5 MS. MILLER: Objection.

6 But you can answer if you know.

7 THE WITNESS: I suppose that's a possibility.

8 Q. (By Mr. Johnson) Had he not been taken to the
9 emergency room, your anticipation is you were going to
10 arrest him and take him to jail.

11 A. Yes, sir. If he was uninjured, yes.

12 Q. And had it -- had he been uninjured, at least
13 from your knowledge, and then after you took him into
14 custody, took him to jail, found out that he was injured,
15 depending on the circumstances, then he might end up
16 going to the hospital.

17 A. That is correct.

18 Q. Okay. And that -- and you understand that
19 that's part what a police officer does. Has to evaluate
20 the physical injuries and if it looks like an immediate
21 medical emergency, you have an obligation to get aid to
22 my client. You know that?

23 A. Absolutely.

24 Q. When he was down on the ground, you were
25 concerned that he was not breathing; hence, you kept

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1 saying to him, "Keep breathing," right?

2 A. I was con- -- I believe at one point, I could
3 see that he was breathing, but they were very agonal,
4 shallow respirations.

5 Q. And agonal, a-g-o-n-a-l, you know what that
6 means?

7 A. Yes, sir.

8 Q. Agonal breaths is what they call the person's
9 last breaths often right before they die; you know that,
10 don't you?

11 A. I do.

12 Q. So you saw him face down and heard him having
13 agonal breaths. You had to at least be concerned that he
14 was in a position of potentially dying.

15 A. I was.

16 Q. And yet at that time, you did not render him
17 immediate medical care, did you?

18 A. I immediately were very -- I -- I don't -- I
19 don't know the exact timeline, but shortly after the
20 Tasing event had occurred, I made the radio call for
21 medical assistance.

22 Q. Okay. Back to my question. You, even as of the
23 time that you were concerned he had agonal breaths at
24 that time, did not have at all even -- I'll call it touch
25 him by way of trying to render him first aid, did you?

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1 A. I had -- I did not touch him immediately. That
2 is correct.

3 Q. You understand as part of your first aid and CPR
4 training that one of the things that we try to do is to
5 try -- if we can, is to get somebody in a position that
6 allows them to breathe as easily as possible. You know
7 that.

8 A. That is correct.

9 Q. And that's often on their back as opposed to
10 face down where their diaphragm and lungs are not allowed
11 to expand as much as if -- as if we are on our back.

12 A. That is correct.

13 Q. But you didn't go roll him over right away and
14 put him on his back, did you?

15 A. I did not roll him over right away.

16 Q. Did anybody train you, Officer Grubbs, that in
17 an officer-involved shooting or use of force event not to
18 give CPR or immediate training -- or aid right away?

19 A. Every situation has its own set of
20 circumstances.

21 Q. Are you finished with your answer?

22 A. Yes, sir.

23 Q. Have you or have you not ever learned from any
24 person from Atlanta Police Department that in an
25 officer-involved use of force where somebody may be

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1 seriously injured, that you might want to consider not
2 rendering immediate aid? Have you ever heard that ever
3 from anybody in Atlanta?

4 A. We are trained to administer aid when it's
5 possible. It -- as soon as possible.

6 Q. Okay. You did not do that here, did you?

7 A. I believe that I did. My rendering aid was
8 getting help to him, in part, as soon as I could.

9 Q. Okay. At some point in time, you rolled him
10 over onto his back.

11 A. That is correct.

12 Q. We don't know when that was because your
13 camera's not on at that point.

14 A. That's correct.

15 Q. When did you turn your camera on?

16 A. At some point during the incident, I went to hit
17 the record button and I realized that the device was off.

18 Q. When in the incident did you first turn on your
19 body camera?

20 A. I'm not sure how many minutes had elapsed before
21 that occurred.

22 Q. Do you remember turning it on after you Tasered
23 him.

24 A. Yes, I do.

25 Q. And after you saw him on the ground.

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1 A. At some point, yes, on the ground.

2 Q. But then you turned it off?

3 A. (No response.)

4 Q. Right.

5 A. I don't exactly recall. It's the -- if it went
6 off, it went off. I'm not sure.

7 Q. It doesn't go off without you turning it off,
8 does it, Officer Grubbs?

9 A. That toggle switch can be hit and it can
10 inadvertently go off.

11 Q. Okay. In this particular case, is it your
12 testimony that it went off for any reason other than you
13 turned it off?

14 A. I'm not sure. I don't know why it would have
15 gone off.

16 Q. The Taser itself obviously has some video that
17 goes along with it as well, correct?

18 A. That is correct.

19 Q. Are you aware of anything that you or anybody
20 did to your on-body camera relative to erasing, otherwise
21 getting rid of footage that was there after you turned it
22 on?

23 A. No, sir. I am not.

24 Q. I'm sure it's the same answer, but the same
25 thing with Shelley. Are you aware of how his blank --

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1 camera went on for a few moments and then went off?

2 A. No, sir.

3 Q. Do you agree, Officer Grubbs, that's a -- kind
4 of an interesting coincidence, don't you think?

5 A. I haven't seen any of his camera footage, so --
6 and I have not spoken with him about his camera.

7 Q. Okay. Your testimony is you called 911 right
8 away.

9 A. Well, I don't call 911. But yes, I contacted my
10 dispatcher.

11 Q. Good point. Sorry. That was stupid. I
12 apologize for the -- that question. Do it again.

13 Your testimony is you think you called your
14 dispatcher and asked for medical assistance right away.

15 A. Yes, sir. Once I had assessed --

16 Q. You think --

17 A. -- the situation.

18 Q. Sorry.

19 You think you did you that within a minute of
20 using the Taser?

21 A. I do not know what the exact time frame was.

22 Q. Do you think it was more or less than a minute
23 before you called?

24 A. I just don't know. I have never seen the
25 dispatch records for it, so I don't know.

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1 Q. Did you ever see Officer Shelley ever touch my
2 client?

3 A. I can't recall.

4 Q. Are you the one that turned my client over?

5 A. I am, yes.

6 Q. Tell me how you did that, please.

7 A. I'm not exactly sure. The exact manner from
8 what I can recollect, it -- it -- I turned him over from
9 the head of his body -- or towards the top of his body.

10 Q. I'll take it, as you came down the hill, you
11 could see my client's head and, if you will, baseball cap
12 kind of right there next to that cement platform,
13 whatever you want to call it.

14 A. Yes.

15 Q. And so therefore, my client's head was closer to
16 the upcoming guardrail and that ramp that you were
17 talking about that his feet were?

18 A. Yes.

19 Q. Then you would have, therefore, kind of, if you
20 will, gone towards his left shoulder and body to roll it
21 over?

22 A. That sounds about right. Yes, sir.

23 Q. And then once you did that, what did you see?

24 A. That Mr. Blasingame appeared to be, as I stated
25 previously, unresponsive. He was still breathing. He

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1 did have a pulse. And that he was bleeding, I believe,
2 from the head area.

3 Q. And again, based on what you saw, he appeared to
4 be unconscious.

5 A. Yes, sir.

6 Q. And obviously, at that point, it appeared to you
7 that he had an open head wound.

8 A. Of some type. Yes, sir.

9 Q. Okay. When the -- when -- when you actually
10 fired -- deployed the Taser, I'll take it, Jerry was then
11 pretty much on top of the hill?

12 A. My vantage point, he was still on the small dirt
13 trail.

14 Q. Okay. And you can see that's kind of a worn
15 path through there, right?

16 A. Yes, sir.

17 Q. Clearly people have gone there before.

18 A. It appeared that way.

19 Q. All right. But again, then, when you actually
20 Tased him, he was on the path, but he was, if you will,
21 at the crest of the hill.

22 A. My vantage point didn't allow for that.

23 Q. Okay. Tell me what you saw.

24 A. That he was still on the dirt path.

25 Q. But the dirt path goes down the hill, too.

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1 A. Yeah. I saw that the dirt path had a slight
2 decline. I did not see anything else that was beyond
3 Mr. Blasingame.

4 Q. Okay. And have you been made aware -- you may
5 not, Officer Grubbs. But did you go to the hospital at
6 all once my client went there?

7 A. I went to the hospital some weeks later.

8 Q. Are you aware of the numerous head, skull, and
9 facial fractures that my client suffered?

10 A. I was never advised of the specific injuries.

11 Q. Are you aware of his brain bleeds that he had?

12 A. I --

13 MS. MILLER: Objection.

14 But you can answer.

15 THE WITNESS: Other than the general head
16 trauma, I was not aware of the specific injuries.

17 Q. (By Mr. Johnson) But -- so if he had actually
18 brain bleeds, you didn't know that per se?

19 A. I did not.

20 Q. If he had multiple right rib fractures, you
21 didn't know that?

22 A. I did not.

23 Q. If he, in fact, had significant neck injuries
24 requiring surgery, you didn't know that?

25 A. That's correct.

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1 Q. And without any question if those things that I
2 just mentioned to you are true as supported by the
3 medical record, no question he fell extremely hard that
4 day.

5 MS. MILLER: Objection.

6 But you can answer.

7 Q. (By Mr. Johnson) Correct?

8 A. All I can state is that he fell, yes.

9 Q. Well -- okay. If everything that I just said is
10 true, you do not dispute he fell and he fell extremely
11 hard to sustain those types of injuries, right?

12 MS. MILLER: Objection.

13 But you can answer if you know.

14 THE WITNESS: He fell. I did not witness the
15 fall per se. All I can say is that he did fall.

16 Q. (By Mr. Johnson) Okay. Officer Grubbs, if the
17 injuries that I just outlined to you are, in fact,
18 accurate, you're not saying he sustained them in any
19 other way other than by falling that day due to you
20 Tasing him.

21 MS. MILLER: Objection.

22 You can answer if you know.

23 THE WITNESS: I can't state that he sustained
24 all those injuries that day. I don't know.

25 Q. (By Mr. Johnson) Are you denying it?

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1 A. I'm saying that I don't know.

2 Q. Okay. Well, you think it would be something
3 that you'd want to know?

4 MS. MILLER: Objection.

5 You can answer.

6 THE WITNESS: I'm -- I'm now informed, but I did
7 not know at the time.

8 Q. (By Mr. Johnson) Okay. Not my question.

9 When were you first informed of those injuries
10 other than me just me asking you those questions here in
11 2021, two and a half years later?

12 A. Those specific injuries?

13 Q. Yes, sir.

14 A. Right now.

15 Q. Okay. My question to you is: If you -- well,
16 you shot somebody in the back with a Taser and they fell.
17 Apparently, you weren't interested in knowing what his
18 injuries were?

19 MS. MILLER: Objection. Is that a question?

20 MR. JOHNSON: Yeah.

21 THE WITNESS: I'm not --

22 MS. MILLER: You can answer.

23 THE WITNESS: -- I'm not exactly sure how you
24 want me to answer that.

25 Q. (By Mr. Johnson) Truthfully.

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1 A. I did not know his injuries. I was never told
2 and I never inquired.

3 Q. Okay. Have you sent him any letter, card,
4 anything to try to reach out to him at all?

5 A. No, sir. I have not.

6 Q. Any member of his family, to the best of your
7 knowledge, or anybody on his behalf that you're aware of
8 ever try to contact you in any way?

9 A. Not that I'm aware of.

10 MR. JOHNSON: I'm going to run to the restroom,
11 folks, and then I'm going to go through some photographs
12 and videos.

13 THE VIDEOGRAPHER: Going off the record.
14 Universal time is 1803. We are now off the record.

15 (Whereupon, a recess was taken.)

16 THE VIDEOGRAPHER: All right. Stand by, please.
17 We're now back on the record. The universal
18 time is 1845.

19 MR. JOHNSON: All set everybody?

20 THE COURT REPORTER: Yes.

21 MR. JOHNSON: Thank you.

22 Q. (By Mr. Johnson) Officer Grubbs, a while back
23 we were talking about some other incidents and I just
24 wanted to go through some in your earlier days with the
25 force.

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1 Incident Number 15-3510493-00. It's a use of
2 force incident where you apparently -- I think you used
3 the Taser on a subject involved in the arrest at a bus
4 station. Does that ring any bells?

5 A. You said that was 2015?

6 Q. I don't have -- well, the first number is 15.
7 Does that mean to you probably 2015?

8 A. Yes.

9 Q. Okay. Does --

10 A. On the -- I vaguely remember the incident. Very
11 vaguely.

12 Q. What I have -- and this is part of the GBI
13 investigation where they were given access to your
14 personnel file. And here's what it says. "APD received
15 a 911 call from the bus station of a criminal trespass
16 because someone was getting onto a bus without a ticket."

17 Does that sound familiar?

18 A. I have no reason to dispute that.

19 Q. Okay. Apparently, this gentleman refused to
20 obey your commands and began to walk away. Says, "Grubbs
21 deployed his Taser and struck the suspect in the left
22 stomach and left forearm."

23 Does that sound right?

24 A. If you say it -- say it is. I have no reason to
25 dispute.

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1 Q. I'm not saying it is, but apparently GBI is.
2 And so I'm asking you.

3 A. Yes.

4 Q. Okay. Suspect fell to the ground. You arrested
5 him. It looks like you were cleared of -- in terms of no
6 violations. Does that sound right?

7 A. That part does. Yes, sir.

8 Q. 2016 --

9 MS. MILLER: Mr. Johnson? I'm sorry.

10 MR. JOHNSON: Yes.

11 MS. MILLER: Will you be introducing this
12 document for the record?

13 MR. JOHNSON: No. I didn't -- but if you want
14 me to, I will. I don't -- I wasn't going to, but I'm
15 happy to if you want me to.

16 MS. MILLER: Sure. I mean, I just can't see
17 what you're looking at, so I don't know what is actually
18 on that document.

19 MR. JOHNSON: Okay. Happy to. Let's call this
20 Exhibit 2 and it's entitled "Georgia Bureau of
21 Investigation Region 10 Investigative Summary." On the
22 bottom right, it says "Exhibit 21" and there's five
23 pages.

24 Maddie, can you put that up so Counsel can see
25 it.

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1 MS. SINKOVICH: Yes, I can. I just was going to
2 ask.

3 MR. JOHNSON: Appreciate it. Thank you.

4 MS. SINKOVICH: All right. Here is the first
5 page and the -- he's reviewing the incident right here
6 (indicating).

7 Q. (By Mr. Johnson) So on page 2 of 5, last full
8 paragraph, Officer Grubbs, you want to take a look at
9 that. That's the incident number that you -- it starts
10 with 15, so we think it's 2015.

11 And without going back through the whole thing,
12 did I generally speaking --

13 A. No, I'm -- I'm sorry. I see this is page 2
14 of 5. Are we able to view page 1 real quick.

15 MS. SINKOVICH: Sure.

16 THE WITNESS: Thank you. Just give me a moment
17 to read over that, please.

18 MR. JOHNSON: Yep.

19 And for the record, it says on page 1 of 5 at
20 the top, that, "On Wednesday July 25, 2018 at
21 approximately 10:10 a.m., Special Agent Steve McCallum,
22 M-c-C-a-l-l-u-m, was located at the Atlanta Police
23 Department headquarters" -- gives the address -- "for the
24 purpose of reviewing Jon Grubbs's personnel file. The
25 investigative act was in reference to a request from APD

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1 to Georgia Bureau of Investigation in order to
2 investigate officer-involved use of force incident
3 resulting in injuries to Jerry Blasingame."

4 Did I read that right, Officer?

5 A. Yes, sir.

6 Q. So at least according to this document,
7 Exhibit 2, Atlanta Police Department apparently did ask
8 the GBI to become involved based on what it says, right?

9 A. That is correct.

10 Q. Thanks.

11 Page 2 of 5, last paragraph, did I, generally
12 speaking, refer to that appropriately in my questions
13 that we've already gone over?

14 A. Yes, sir. I'm clear on that. Thank you.

15 Q. Look at page 3 of 5. At the top it says,
16 "Incident Number 12 -- 16-0903240." You see the top
17 paragraph I'm talking about, Officer Grubbs?

18 A. I do.

19 Q. Thank you.

20 You were arresting a suspect. "Suspect ran on
21 foot through heavy traffic away from Grubbs. Suspect
22 took a fighting stance. Grubbs attempted to grab the
23 suspect. Suspect pulled away." You deployed your Taser.
24 Apparently, there -- he had thick clothing, so the Taser
25 didn't take hold. He pushed off of you. You tackled

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1 him, arrested him.

2 And were cleared of any violations, correct?

3 Any --

4 A. Yes, sir.

5 Q. -- any -- any memory at all of what that
6 gentleman did that required you to arrest him?

7 A. No, sir.

8 Q. Okay.

9 A. Not specifically.

10 Q. Next paragraph down, same page 3 of 5. Incident
11 16-1470052. You were assisting another officer with the
12 arrest of a suspect of a stolen automobile. He refused
13 to obey commands. You attempted to get him out of the
14 vehicle. You deployed your Taser. He fell to the
15 ground.

16 After the first cycle, suspect still refused to
17 obey commands. You delivered second cycle. Suspect
18 refused to comply. You delivered two knee strikes to the
19 suspect's back. And then you got him handcuffed and
20 cleared all charges, right?

21 A. That is correct.

22 Q. Next incident, bottom of page 3 to top of
23 page 4, 16-0910406. Suspect fled on a bicycle. You were
24 ordered to stop. You pushed the suspect off of the bike.
25 Suspect hit the ground. Grubbs was able to detain the

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1 suspect without incident. The suspect refused medical
2 treatment. And use of force, you were cleared, right?

3 A. Yes, sir.

4 Q. Any memory of the bike incident, what that guy
5 did?

6 A. I have a vague memory of the incident. I
7 believe he was stopped for traffic violations in a high
8 drug and crime area, at which time the suspect fled from
9 officers.

10 Q. Okay. So you got him for a traffic violation
11 when you arrested him. I'll take it, no drugs?

12 A. I cannot remember if he was a wanted subject or
13 he had any type of narcotics on his person. I would have
14 to look at that report.

15 Q. Okay. Well, to be fair, if he had any of that
16 going on, that would likely be put that in your personnel
17 file as well, right?

18 A. Possibly. I'm not sure.

19 Q. All right. Still page 4 of 5, next incident
20 date (sic) is 15253061. The suspect busted through the
21 officers and damaged the front door at a Holiday Inn
22 hotel. Chased the subject. You Tasered him, it looks
23 like, twice and he fell to the ground. And you were
24 cleared of all charges; am I right?

25 A. Yes, sir.

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1 Q. Do you have memory at all what the gentleman
2 did?

3 A. I believe it was a criminal trespass suspect on
4 PCP.

5 Q. Oh. Okay. What's a -- what's a record of
6 counseling?

7 A. That's like a written warning --

8 Q. Okay.

9 A. -- essentially.

10 Q. You rudely interrupted radio traffic and shouted
11 on the radio. Any memory of that?

12 A. Yes.

13 Q. What happened?

14 A. I believe it was in reference to a prowler or a
15 burglary in progress. And I yelled at somebody to get
16 off the radio because I needed to get on the radio, so...

17 Q. (Laughing) Sorry. I didn't mean to laugh.

18 A. Oh, no. That's -- you know.

19 Q. You were -- you were trying to get through to --
20 to -- obviously to arrest somebody to do your job and
21 apparently, other folks were chatting.

22 A. We have multiple channels you can chat on aside
23 from the main dispatch channel.

24 Q. Amen. Understood loud and clear. All right.

25 Oh, here's -- I love this one. September 8th,

January 28, 2021

1 2016, you got a record of counseling because you left a
2 patrol car with an empty tank of gas.

3 A. Oh, yep, I remember that.

4 Q. Apparently, it's your job to fill it up if you
5 use it during the day?

6 A. Yeah. That was really just a difference of
7 opinion and -- and -- with, you know, other officers.

8 Q. Understood. All right. That's all the
9 questions I have for that. Thank you.

10 MR. JOHNSON: Let's go back to Exhibit 1,
11 please, Maddie, the call for service.

12 And while we're pulling that up, please,
13 Ms. Miller, did you happen to get that blue sheet for us?

14 MS. MILLER: I don't have it yet, but it has
15 been requested.

16 MR. JOHNSON: Thank you very much, ma'am. I
17 appreciate it.

18 MS. SINKOVICH: The call for service is on the
19 screen.

20 MR. JOHNSON: Thank you.

21 Q. (By Mr. Johnson) Officer, this is Exhibit 1,
22 two pages, but we're on page 1, a call for service. Do
23 you have that in front of you?

24 A. Yes, sir. I do.

25 Q. When we were beginning to discuss this, I put

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1 aside because I think you told me earlier that this
2 was -- you called in and this was aft- -- really
3 generated after the incident. Correct?

4 A. Yes, sir. I believe so.

5 Q. Thank you.

6 The call-taker is B. Battle, B-a-t-t-l-e.
7 That's just -- is that just a dispatcher person, correct?

8 A. Yes, that would be the Zone 5 dispatcher on at
9 that time.

10 Q. And -- and can you tell me -- basically, this is
11 the document that gets produced to kind of -- you called
12 them to let them know there was an incident?

13 A. Yes, sir.

14 Q. Anything else that it's designed for, as far as
15 you know?

16 A. Really not much, I guess, that I could elaborate
17 on unless you have, you know, specific questions as to
18 each section.

19 Q. Okay. I'm going to go through them, but I just
20 wanted to know from your perspective, this document,
21 it -- what's it really used for other than kind of just
22 confirming, if you will, that you had a reported
23 incident, if you will?

24 A. Yes, sir. I would agree with that,
25 documentation purposes.

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1 Q. Okay. About a third of the page down on page 1,
2 it says, "Caller information" and then next to source,
3 s-o-u-r-c-e, it says, "self-initiate."

4 Do you have any idea what that means?

5 A. To the best of my knowledge, that means it was a
6 self-initiated call by an officer.

7 Q. Thank you.

8 We're at the next couple lines down, it says,
9 "Police 181911170." That's just the incident number?

10 A. Yes, sir. That -- yeah, that is one of the
11 computer-aided dispatch numbers for that incident.

12 Q. Okay. Underneath that the title is, "Incident
13 Times" and then it says, "E-911 arrived at 14:38:05." Do
14 you know what E-911 means?

15 A. Emergency 911.

16 Q. And what does that mean?

17 A. If a citizen calls 911, in that time block, that
18 will be the first time that appears.

19 Q. Got it.

20 And so there's no time there, so does that mean
21 that no one called 911?

22 A. That would be my assumption due to it being a
23 self-initiated call.

24 Q. Okay. And do you see anything on this document,
25 at least so far, that says what time you called in?

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1 A. My call-in time would appear to be 1438 and five
2 seconds.

3 Q. So where it says arrived 14:38:05, you think
4 that's your call-in time?

5 A. Yes, sir.

6 Q. Any idea -- and I don't know that you would --
7 that's 2:38 p.m., of course, correct?

8 A. That is correct.

9 Q. But do you have any idea in terms of calibration
10 at -- of the time and all of that stuff whether that's
11 accurate?

12 A. I would assume so. I have no reason to believe
13 that it's not accurate.

14 Q. Thank you.

15 The incident title above that lists as -- it
16 says, "Received," has that same time, that 2:38 and five
17 seconds as well, correct?

18 A. Yes, sir.

19 Q. And then dispatch, next to that to the right, is
20 again the same time.

21 A. That is correct.

22 Q. And dispatch -- who's dispatch, if you know?

23 A. Normally, those two times will be the same for
24 self-initiated calls.

25 Q. Do you think this is when you called in and --

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1 and -- after the incident and asked for the ambulance?

2 A. I believe so.

3 Q. Underneath that it says, "Primary unit 5575."

4 Who's that?

5 A. That is me.

6 Q. Is that a -- is that the car or is that just --

7 that's your --

8 A. That is my -- that's my radio number.

9 Q. Radio number. Okay.

10 A. That's what I would be referred to on the radio.

11 Q. Is 5575?

12 A. Yes, sir.

13 Q. Okay. And then where -- it lists your name and

14 the 6416. Is that your badge number?

15 A. That is my department ID number.

16 Q. Okay. Do you know why under "Officer 2," that

17 Officer Shelley's not listed there?

18 A. I do not know why.

19 Q. The SEC units and there's four different numbers

20 there. Any idea what those pertain to?

21 A. That's secondary units.

22 Q. Okay.

23 A. The first unit is a beat car.

24 Q. 3506 is a beat car?

25 A. Yep. For beat 506 in Zone 5.

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1 Q. Do you know who that is or was?

2 A. I do not.

3 Q. And then 5578, what's that?

4 A. That is Officer Shelley.

5 Q. 5593?

6 A. That is Sergeant Aaron Zorn -- or Lieutenant

7 Aaron Zorn now.

8 THE COURT REPORTER: Can you spell that for the
9 record, please.

10 THE WITNESS: A-a-r-o-n, Z-o-r-n.

11 Q. (By Mr. Johnson) And what was his relationship
12 to these events? Is he a supervisor or something?

13 A. He was my supervisor.

14 Q. And then 7334?

15 A. That is a crime scene unit.

16 Q. Do you know who that is?

17 A. I do not know who the technician was.

18 Q. Then underneath that is a bunch of numbers and
19 information pertaining to unit, u-n-i-t, times. And of
20 course, you told us that Unit 5575 is you.

21 So that first time that's listed there, do you
22 know -- under CMD where it says "S-I," do you have any
23 idea what that means?

24 A. I do not know what those -- what that particular
25 column is referring to.

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1 Q. Okay. And again, we got the same time, what we
2 talked about, about 2:38 p.m. and five seconds. In
3 remarks, "I-20 eastbound I-75, hyphen, 85 northbound."

4 Would that be your called-in location?

5 A. Yes, sir. That was the location that was given.

6 Q. All right. I think I wrote down that you told
7 me 5593 was Lieutenant Zorn. And it looks like he -- his
8 times are somewhere around 2:39.

9 Any idea what those numbers mean?

10 A. Those may have been him copying the call,
11 acknowledging the call.

12 Q. Got it.

13 5575 -- oh, that's you again. So where it says
14 2:41:40 -- oh, let me go back.

15 Your number of 5575 and then under CMD, it says
16 "R-L." Know what that is?

17 A. I do not.

18 Q. Then the time to the right of that is 2:41, so
19 2:41 p.m. and 40 seconds. Then it has you on I-75/-85
20 Northbound Expressway southwest, I-20 Eastbound
21 Expressway southwest. Any idea what that pertains to?

22 A. I do not. On -- my best guess would be it's
23 just me communicating with the dispatcher in some
24 fashion.

25 Q. Okay. Are there -- I guess I'm dating myself by

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1 calling them tapes, Officer Grubbs. But is that -- are
2 there recordings of this going back and forth that you're
3 aware of?

4 A. I'm not aware of recordings, but my guess is
5 there are.

6 Q. Okay. I'm on page 2 of Exhibit 1, please, sir.

7 A. Okay. I see that.

8 Q. The last entry for that first string of numbers
9 5575, at U under CMD says "R-T." Any idea what that
10 means?

11 A. No, sir.

12 Q. Then it lists 4:05 p.m. and 28 seconds. And I'm
13 not even going to read all of those letters and numbers,
14 but the thing I do see there is "Blasingame."

15 Do you have any idea that number next that
16 starts with X-2, M as in Mary, D as in David, A-W, et
17 cetera what all that means?

18 A. I have no idea. Best guess is it's just some
19 kind of dispatch code that I'm not aware of.

20 Q. Okay. Thank you.

21 Do you know who 7334 is?

22 A. That is a crime scene unit.

23 Q. Okay. Going now to under CAD narrative, do you
24 have any idea what that means?

25 A. That's the computer-aided dispatch narrative.

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1 Q. Okay. So that first line at 2:38:05 when we
2 know you called in, according to this document at least,
3 user ID being 7192, do you know who that is?

4 A. That looks like it's probably the dispatcher's
5 ID number.

6 Q. Okay. Other remarks, "Patient" -- it says "P-T
7 not conscious. Unit advised subject not conscious on the
8 20 eastbound ramp to I" -- it looks like 75 right on the
9 next -- on the second line below?

10 Thank you.

11 "I-75. Blackwell copied." Who's Blackwell?

12 A. If you slide over in -- you'll see the word
13 S-U-P-V. That's supervisor. So most likely that's a
14 communication supervisor copying the call.

15 Q. Okay. Thank you.

16 The -- if you go down the times underneath that,
17 that starts, of course, at 2:38:28. Other than locations
18 of folks, do you understand any of those words, letters?

19 Under ATL, that I can figure out, but is this --
20 is this at all meaningful to you?

21 A. Yes, sir. Most of it is.

22 Q. Would you tell me.

23 A. These are the codes that are used in every
24 computer-aided dispatch. City, ATL, Atlanta. RD and
25 beat are the same thing. It's 304. This occurred on

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1 304's beat in Zone 3. If you see where it says

2 "Type 20," to me that means a Taser was deployed.

3 Q. Ah. How about two lines above that, C-A, 05,
4 and 03? Mean anything?

5 A. I'm not sure what 05 means. 03 probably means
6 Zone 3.

7 Q. Okay. And then where it says "D-H-P-T"?

8 A. I'm not familiar with that particular code.

9 Q. Okay. How about "Type," t-y-p-e, "2-0-T"?

10 A. That is a code for a Taser being deployed.

11 Q. Okay. Now, if we look to left of that, it says
12 "2:40:09." Do you see that?

13 A. Yes, sir. I do.

14 Q. Any idea what -- what's that means? I know
15 2:40, but why -- it's, like, two minutes later from the
16 initial call after the events. Is this just you letting
17 them know that you deployed your Taser?

18 A. It may be and it may be just when the dispatcher
19 entered that into the call.

20 Q. Okay. And so it's -- so where it says "Type
21 2-0-T" and then the number 54. So Taser and what does
22 the 20 or the 54 mean, if you know?

23 A. The 20-T. The 20-T specifically means a Taser
24 being deployed. And then the 54 is a code for a
25 suspicious person.

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1 Q. Okay. Got it.

2 A. And that would be the call type, if you will.

3 Q. Thank you, sir.

4 Next line where it says L-O-C, like, is that
5 location?

6 A. Yes, sir.

7 Q. And then a couple more lines down, I see Grady.
8 I know that's the hospital where my client was taken. Do
9 you know if that's what that means?

10 A. On -- that most likely means when the Grady EMS
11 unit was on scene.

12 Q. So we see Grady O-S for on scene. You think
13 that's at 2:48.

14 A. That's what it looks like. Yes, sir.

15 Q. You're good, Officer Grubbs. I'm looking at the
16 Grady EMS run sheet on page 3 of 7.

17 MR. JOHNSON: So let's -- we'll mark the EMS run
18 sheet as Exhibit 3.

19 (Whereupon, Plaintiff's Exhibit No. 3 was
20 marked for identification.)

21 Q. (By Mr. Johnson) So Exhibit 3 Grady EMS run, do
22 you see page 3 of 7 in the bottom paragraph --

23 MS. SINKOVICH: It's not on the screen at the
24 moment.

25 MR. JOHNSON: Okay.

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1 MS. SINKOVICH: Okay.

2 Q. (By Mr. Johnson) that the call came in at 2:38
3 and then when I go down, it looks like they dispatched at
4 2:39 and en route 2:39. On scene at 2:46 -- just like
5 you told me -- and 2 seconds.

6 So there's a whopping two-second difference
7 between the dispatch and their records. So pretty
8 consistent. Thank you for telling me that. Appreciate
9 it.

10 Do you remember them being on scene at all?

11 A. I do.

12 Q. It says that they came on scene, at least on
13 their run sheet -- so Exhibit 3, page 3 -- that they were
14 on scene at 14:46:02, so 2:46 p.m. and 2 seconds and they
15 got to the patient at 2:48 even.

16 Do you have any idea what took them 2 minutes to
17 get there?

18 A. I believe myself or Officer Shelley -- I cannot
19 remember which -- we had made contact with them on the
20 ramp. And I can only assume that that slight delay may
21 have been them getting their equipment ready --

22 Q. Okay.

23 A. -- and making their way down to the actual
24 scene.

25 Q. Do you have a memory of talking to the folks

January 28, 2021

1 with the Grady EMS?

2 A. I do have a memory of speaking with the
3 paramedics.

4 Q. What did you tell them?

5 A. I informed them that Mr. Blasingame had fled
6 from us. That he was Tased. That he was unresponsive.
7 And that's about all I can remember.

8 Q. Okay. Did you tell him that he took a -- that
9 he, quote, made a swing type motion towards you?

10 A. I don't remember if I specifically told them
11 that or not.

12 Q. If their report does not say anything about him
13 making a swinging type motion at you or anything to do
14 with a punch or anything at all, would you take issue
15 with that?

16 A. I would not.

17 Q. Okay. In other words, it's simply possible that
18 you didn't mention that to them.

19 A. That's possible.

20 Q. Going back to Exhibit 1, the call for service at
21 the 3:39 and 10 mark, "R-I related" and it has another
22 long number. Any idea what that means?

23 A. And I'm sorry. What are you looking at
24 specifically, sir?

25 Q. I apologize. Back to Exhibit 1. Oh, I forgot

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1 you don't have it in front of you. I apologize. I
2 forget we're doing it via Zoom.

3 MS. SINKOVICH: It's on the -- it's on the
4 screen now.

5 MR. JOHNSON: Thank you.

6 Q. (By Mr. Johnson) So on page 2 of Exhibit 1 --

7 A. Uh-huh.

8 Q. -- two lines from the bottom at 3:39:10, it
9 says, "R-I related" and it has a number.

10 Do you have any idea what that means?

11 A. Can we go back to the first page, please, the
12 first page for the calls for service.

13 Q. Absolutely.

14 A. If you look under related incident numbers.

15 Q. Right. The --

16 A. You'll see --

17 Q. -- the first page right?

18 A. Yep. You'll see police, sheriff, and fire.

19 Q. Yes.

20 A. I believe that's the same number -- the same CAD
21 number for that number.

22 Q. It's the same CAD number for the police. It is,
23 yes. Yeah.

24 A. So I -- my -- my only assumption or my best
25 guess, sir, would be that there were possibly two

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1 different computer-aided dispatches created and that the
2 dispatcher in the narrative is just saying that those two
3 calls are the same.

4 Q. Okay. Thank you.

5 And then back to that second page of Exhibit 1,
6 the last line at 4:16:27, M and then for F-I-R with a
7 number sign and another number.

8 Can you tell me what that means, if you know?

9 A. So this incident also generated a response by
10 Atlanta Fire and Rescue.

11 Q. Yep, that's the -- that's on that related
12 incident number that's on page 1 you just pointed us to.

13 A. Yep. So that is their specific computer-aided
14 dispatch number.

15 Q. Okay. Thank you. Okay.

16 Officer Grubbs, I'm going to go through some
17 photos that we got from Atlanta Police Department.

18 MR. JOHNSON: We're going to mark these photos
19 as Exhibit 4.

20 (Whereupon, Plaintiff's Exhibit No. 4 was
21 marked for identification.)

22 Q. (By Mr. Johnson) And then -- I've already asked
23 Maddie to put them in a particular order and I'm going to
24 refer to -- on the bottom right. And you're talking
25 about a guy with trifocals and I still can't read the

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1 numbers on some of them because the numbers are so small.

2 But there is a -- what we call a Bates stamp on
3 these photos at the bottom right. So I'm going to refer
4 to the Bates number.

5 The first one I'm going to talk to you about
6 is -- so this will -- we're going to call the whole group
7 of -- Exhibit 4 and this is --

8 MR. JOHNSON: No. 232 please, Maddie.

9 (Whereupon, Photograph No. 232 was
10 presented for review by the witness.)

11 Q. (By Mr. Johnson) Is that you, sir?

12 A. Yes, it is.

13 Q. Do you remember after this incident that the
14 crime unit was taking some photographs?

15 A. I do remember that they had responded to the
16 scene.

17 Q. And the fact that you're standing here at the
18 guardrail, is -- are you standing there because that's
19 where you believe that you shot the Taser?

20 A. Yes, sir. I believe that was the purpose of
21 this photograph.

22 Q. Okay. And did the crime unit tell you where to
23 stand?

24 A. They may have. I don't specifically recall.

25 Q. Okay. This is one of those photos I talked

January 28, 2021

1 about earlier today about the belt.

2 You want to take a look at that and tell me if
3 anything is different than what we were talking about
4 earlier.

5 A. Everything appears to be consistent with my
6 previous statement.

7 Q. Thank you, sir.

8 The next one is 233.

9 (Whereupon, Photograph No. 233 was

10 presented for review by the witness.)

11 Q. (By Mr. Johnson) It's kind of a closer up over
12 your left shoulder, correct, sir?

13 A. Yes, sir.

14 Q. And again, you're still standing at that
15 guardrail.

16 A. Yes, sir.

17 Q. All right. And this is the similar location to
18 where my client went over the guardrail and onto the path
19 that we see kind of in front of your left arm.

20 A. That is correct, sir.

21 Q. And that's the area where he was standing when
22 you told us earlier that he made a swinging type motion.

23 A. That is correct.

24 Q. All right. He didn't try to punch you, right?

25 A. I'm not exactly sure what his intention was. If

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1 it was just trying to swat at me to get away or what his
2 exact intention was.

3 Q. Okay. But you obviously -- I mean, when I hear
4 swinging type motion, you -- you're certainly familiar
5 with the word "punch."

6 A. Yes, sir. I'm familiar with that.

7 Q. And you didn't use punch because it wasn't a
8 punch.

9 A. No, sir. It was an open hand, if I remember
10 correctly.

11 Q. All right. And I think you told us that when he
12 made that motion, you were relatively close to him.

13 A. Yes, sir.

14 Q. It did not come into contact with your person in
15 any regard.

16 A. No, sir.

17 Q. How close do you think you were to him at that
18 time, meaning his chest area to your chest area?

19 A. I would say within four to five feet --

20 Q. Okay.

21 A. -- if I had to guess.

22 Q. Did you -- did you kind of, if you will, jump at
23 him and try to grab him?

24 A. I believe at one point, I did try to grab him,
25 but I was unable to do so.

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1 Q. So you tried to grab him?

2 A. It's -- it's possible. I don't exactly recall
3 100 percent.

4 Q. Okay. So -- because I haven't seen anywhere in
5 any report or anything -- so you -- you cannot say that
6 you -- after he made a swinging type motion at you with
7 an open hand, you can't say that you tried to grab him.

8 A. I can't say that for 100 percent. No, sir.

9 Q. All right. So when that occurred between the
10 two of you -- in other words, when he made the swing type
11 motion -- you believe the guardrail was in between the
12 two of you.

13 A. Yes, sir.

14 (Whereupon, Photograph No. 234 was
15 presented for review by the witness.)

16 Q. (By Mr. Johnson) Picture No. 234, pretty
17 similar view, but just another one from kind of behind
18 the right side of your body.

19 A. Yes, sir. That appears to be consistent.

20 Q. Thank you.

21 And looking around the right side your body, I
22 think -- and your utility belt, no changes from what you
23 told me before, right?

24 A. That is correct, sir.

25 Q. Thank you.

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1 MR. JOHNSON: Photograph -- oh, boy. Here we
2 go. Hold on. I have to get into what -- the trifocals
3 can't read it, so here we go. 237. 237, please.

4 (Whereupon, Photograph No. 237 was
5 presented for review by the witness.)

6 Q. (By Mr. Johnson) And I'll take it, that's you
7 standing in the similar area right next to the guardrail
8 like we've seen in the last few; whereas, the camera is
9 on the path and already kind of starting down the hill.

10 A. That appears to be the view. Yes, sir.

11 Q. And then if I look at between the L and the I,
12 do I see part of that body cam?

13 A. I -- it actually -- if you look closely, it
14 looks like the body camera is actually above the O and
15 the L.

16 Q. Okay. Thank you.

17 Is there anything else in between the L and the
18 I?

19 A. Other than a -- the zipper for the vest. No,
20 sir. I don't believe so.

21 Q. Thank you.

22 Do you see anything on that pathway that has
23 anything to do with this incident?

24 A. No, sir. Not that I'm observing.

25 Q. Okay. Thank you.

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1 And again, this is the general position that you
2 were in when you deployed the Taser.

3 A. Yes, sir.

4 Q. Okay.

5 MR. JOHNSON: Photograph 229, please.

6 (Whereupon, Photograph No. 229 was
7 presented for review by the witness.)

8 Q. (By Mr. Johnson) This is obviously on the other
9 side of the hill, sir?

10 A. Yes, sir. That --

11 Q. Well -- sorry. Left-hand side of the photograph
12 toward the bottom, I see the yellow and the black.
13 That's the end of a guardrail on the other side of the
14 hill, the downside of the hill.

15 A. Yes, sir. I believe so.

16 Q. And obviously, in a -- kind of like a third of
17 the way into the left margin, that's the metal, if you
18 will, electrical traffic control box that we've been
19 talking about?

20 A. Yes, sir.

21 Q. To the left of that is your medical backpack?

22 A. That's what it appears to be.

23 Q. Okay. To the right of that next to the
24 electrical box is my client's baseball cap?

25 A. That is correct.

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1 Q. To the right of the baseball cap a little bit
2 some type of a white object -- that we'll look at
3 later -- correct?

4 A. Yes, sir. I see that.

5 Q. And then we work our way up, if you will, that
6 little hill there. You can see the dirt path?

7 A. Yes, sir.

8 Q. And some type of a -- kind of an edge almost to
9 it?

10 A. Yes, sir.

11 Q. And then to the right of that, that big rock.

12 A. That is correct.

13 Q. And obviously, to the left of the rock you can
14 see the path that's the one that my client was on when he
15 was Tased.

16 A. Correct.

17 Q. All right.

18 MR. JOHNSON: All right. Kindly turn to?

19 MR. RADNER: 214.

20 MR. JOHNSON: 214, please.

21 (Whereupon, Photograph No. 214 was
22 presented for review by the witness.)

23 MR. JOHNSON: Thank you.

24 Q. (By Mr. Johnson) Another picture of a lot of
25 the same thing, but maybe a little bit closer up.

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1 A. Yes, sir. I see it.

2 Q. Is that a better picture of your back- -- your
3 medical backpack?

4 A. Yeah, that is my backpack.

5 Q. You told me it -- you -- you ultimately went to
6 the car at some point and got it, right?

7 A. Yes, sir.

8 Q. It appears to be zipped up and closed there,
9 does it not, to you?

10 A. It does.

11 Q. Did you take anything out of it?

12 A. Medical gloves.

13 Q. Okay. Anything else?

14 A. I don't believe so.

15 Q. Okay. You see the baseball cap?

16 A. I do.

17 Q. Closer to the camera than the baseball cap, can
18 you see what looked to be, like, a little pen, like, a
19 ballpoint pen?

20 A. Yes, I see that.

21 Q. We have better closeup and then I'll show it to
22 you shortly. But do you know how that pen got there?

23 A. I do not.

24 Q. Is that pen put there by, like, the crime --
25 I've seen pens used in crime photographs and stuff

January 28, 2021

1 before. Do you have any reason to believe that that was
2 something they did versus something that was either there
3 and/or my client?

4 A. I do not.

5 Q. Okay.

6 A. Yeah. I have no information about the pen.

7 Q. Thank you.

8 To the right of that hat obviously is red blood?

9 A. That is correct.

10 Q. To the right of that, is that that white paper
11 that we saw from way back, I think?

12 A. That is correct.

13 Q. Anything that you see anywhere kind of going up
14 towards the hill area that kind of jumps out to you as
15 being any particular evidence involved in this incident?

16 A. No, sir. I don't see anything of any
17 significance.

18 Q. Thank you.

19 MR. RADNER: 231.

20 MR. JOHNSON: 231, please.

21 (Whereupon, Photograph No. 231 was

22 presented for review by the witness.)

23 Q. (By Mr. Johnson) Just wanted to ask you. Any
24 idea whose car that is on the bottom left of that
25 photograph?

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1 A. I don't know.

2 Q. Okay. Remind me again what ramp this is.

3 A. This is the --

4 Q. Something to do with Windsor Road. That I
5 remember.

6 A. -- this is the Windsor Street Southwest ramp for
7 I-20 eastbound.

8 Q. Thank you.

9 MR. JOHNSON: Next picture is 221, please.

10 (Whereupon, Photograph No. 221 was
11 presented for review by the witness.)

12 Q. (By Mr. Johnson) Obviously, it's a closeup of
13 my client's baseball cap, sir?

14 A. Yes, sir. I see that.

15 Q. And there appears to be some significant clotted
16 blood kind of in the middle of the bill?

17 A. Yes, sir.

18 Q. I can see on the back of the cap a baseball
19 player, so it might be an MLB hat.

20 But does that at all refresh your memory as to
21 what the front of the hat is?

22 A. I don't recall what emblem was on the front of
23 the hat.

24 Q. Okay. Thank you.

25 The pen that's to the right of the hat, same

January 28, 2021

1 question as before. Any idea where that came from or why
2 it's there?

3 A. I have no idea.

4 Q. The stick to the right of that, any particular
5 significance to this photograph; meaning, that it was
6 placed there for a reason versus it was already there?

7 A. Not to my knowledge. It has no significance.

8 Q. In the -- the kind of a pool of blood, is there
9 anything in that area that -- other than being the blood
10 being there that is of significance evidentiary-wise?

11 A. Not that I see.

12 Q. Okay. The piece of paper, it looks like you
13 could start to see some kind of red writing. It's
14 sticking up from the bottom side of it.

15 Do you have any understanding whether that's the
16 piece of paper that my client was holding that you saw in
17 traffic?

18 A. It's possible. I can't speak to that 100
19 percent, though.

20 Q. Do you remember the white piece of paper, which
21 is what I think you described as it had a writing on
22 it -- whether it had any type of red writing on it versus
23 another color?

24 A. I don't recall the ink color.

25 Q. This is a pretty good closeup of that cement

January 28, 2021

1 slab, is it not?

2 A. Yes, sir. It is.

3 Q. When you looked at the cement slab and/or the
4 bottom of the control box there, I'll take it, Officer
5 Grubbs, you -- you've heard of the term "a witness mark"
6 before, have you not?

7 A. I'm sorry. What was the term?

8 Q. Witness mark.

9 A. Not specifically. I may have heard of it in
10 another term.

11 Q. Okay. Then here's what -- here's what I'll ask
12 you. When you -- while you were there that day and
13 looked at the area of this control box and cement stand,
14 were you able to see anything on those things that led
15 you to believe that my client struck one versus the
16 other?

17 A. Based on the observations that I had made, I
18 only felt that Mr. Blasingame had struck the concrete.

19 Q. Okay.

20 MR. JOHNSON: 222 please, Maddie.

21 (Whereupon, Photograph No. 222 was
22 presented for review by the witness.)

23 Q. (By Mr. Johnson) It's a closer up of the hat,
24 Officer Grubbs, correct?

25 A. Yes, sir.

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1 Q. I can now read the emblem of New Era, E-r-a. Do
2 you see that?

3 A. Yes, sir. I do.

4 MR. JOHNSON: 217, please.

5 (Whereupon, Photograph No. 217 was
6 presented for review by the witness.)

7 Q. (By Mr. Johnson) In the middle of the blood
8 spatter in between the hat and the white item, it -- it
9 looks to me -- I see something brown and I don't know if
10 that's a sticker or what it is.

11 And all I wanted to ask you is was that
12 something, as far as you know, that was simply there
13 versus something that was placed for any kind of reason?

14 A. As far as I know, that is something that was
15 already at the location.

16 Q. Thank you.

17 And again on that -- the paper, you can see kind
18 of white writing coming up underneath. I said white, but
19 I meant red. Sorry.

20 A. Yes, sir. I see that.

21 Q. If you look about to the stone to the right of
22 the white paper and it appears to be a red object. Any
23 idea what that is?

24 A. No, sir.

25 Q. Thank you.

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1 MR. JOHNSON: Exhibit -- or Page 216.

2 (Whereupon, Photograph No. 216 was
3 presented for review by the witness.)

4 Q. (By Mr. Johnson) It looks like a one-dollar
5 bill. Is that what it looks like to you?

6 A. Yes, sir.

7 Q. Do you remember seeing that there?

8 A. I do not.

9 Q. Okay.

10 MR. JOHNSON: 215, please, Maddie.

11 (Whereupon, Photograph No. 215 was
12 presented for review by the witness.)

13 Q. (By Mr. Johnson) I think I see the one-dollar
14 bill toward the center of the photograph below and right
15 of the stick that's there. Can you see that, sir?

16 A. I do, sir.

17 Q. Okay. I'll take it, you have no idea how that
18 dollar bill got there?

19 A. I do not.

20 Q. Okay. Is there anything else in terms of
21 evidence of particular relevance that you see in this
22 photo at all?

23 A. No, sir.

24 Q. We have photographs that we received from GBI,
25 Officer Grubbs, and they had, among other things in

January 28, 2021

1 there, some evidence markers with those yellow little
2 placards with, like, No. 1 and 2.

3 Have you seen those photographs ever?

4 A. No, sir. I have not.

5 Q. So in terms of what they're denoting for
6 Evidence Markers Nos. 1 and 2, you would have no idea?

7 A. I have no idea, sir.

8 Q. Okay. When you deploy your Taser, the prongs,
9 if you will, come out, correct?

10 A. That is correct.

11 Q. And obviously, the metal wires they're attached
12 to?

13 A. That is correct.

14 Q. Is there any -- is there anything that gets
15 discharged from the Taser itself other than that; in
16 other words, that would be on the ground per se that you
17 would look for?

18 A. You may have -- can best describe it on the
19 Taser cartridges, there is a -- small kind of like
20 plastic doors.

21 Q. Right.

22 A. Those doors are blown off, so to speak --

23 Q. Right.

24 A. -- when the device is deployed.

25 Q. Okay.

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1 MR. JOHNSON: Maddie, could you please put up
2 Officer Grubbs's report, 7/23/18.

3 I'm going to mark that as Exhibit 5, please.

4 MS. SINKOVICH: Hold on one second.

5 (Whereupon, there was a brief pause in the
6 proceedings.)

7 MS. SINKOVICH: Can you repeat the document one
8 more time, Ven.

9 (Whereupon, there was a brief pause in the
10 proceedings.)

11 MR. JOHNSON: Yes. It is an incident report
12 from City of Atlanta Police Department. It is Officer
13 Grubbs's narrative report.

14 Q. (By Mr. Johnson) While we're getting that,
15 Officer Grubbs, if -- if in the upper right hand corner,
16 it says, "Prepared at July 23, 2018," generally speaking,
17 does that sound about right in terms of when you prepared
18 it?

19 A. I'd have to see that so I can specifically know
20 what you're referring to.

21 Q. Okay. Well, it's -- you only done one report,
22 right?

23 A. Yes, sir.

24 Q. Okay. So do you have a memory of it being 13
25 days after the event that you actually did that report?

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1 A. Is it possible I can see exactly what you're
2 looking at? I just can't speak to it if I don't see it.

3 Q. Okay. I'm not -- I'm just asking you about --
4 if that's the date on it. We're trying to get it for
5 you.

6 A. Uh-huh.

7 Q. So I'm happy to show it. It's going to be
8 Exhibit 5. But my question is, is does it sound right at
9 all that it was 13 days after the event?

10 (Whereupon, Plaintiff's Exhibit No. 5 was
11 presented for review by the witness.)

12 Q. (By Mr. Johnson) There it is.

13 MS. SINKOVICH: Just let me know if you need me
14 to zoom in.

15 THE WITNESS: If you could zoom it in just a
16 little bit, that would be great. Thank you.

17 Oh, okay. That's good. Thank you.

18 MR. JOHNSON: Give me that page. I don't have
19 that. Okay.

20 THE WITNESS: I'm not exactly sure what the
21 "prepared" on that particular date means. I don't know
22 if that's when the report was approved or when it was
23 sent to central records. I do believe the report was
24 done and submitted before that date.

25 Q. (By Mr. Johnson) Okay.

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1 MR. JOHNSON: Maddie, is the thing you have up
2 before Officer Grubbs' two pages?

3 MS. SINKOVICH: Yes.

4 MR. JOHNSON: Okay.

5 MS. SINKOVICH: The narrative's on the second
6 page.

7 MR. JOHNSON: Okay. Good. Will you blow up
8 this first part of the page so I can see it even more
9 because the old man can't see that far.

10 MS. SINKOVICH: The narrative or the first page?

11 MR. JOHNSON: First page.

12 MS. SINKOVICH: Okay. Here's the time.

13 MR. JOHNSON: Right there, please.

14 Q. (By Mr. Johnson) On page 1 of Exhibit 5,
15 Officer Grubbs, incident is 1811911254-00, correct?

16 A. That is correct, sir.

17 Q. Report -- it says, "Report date 7/10/18. Time
18 is 13 -- 14:38," which is 2:38 p.m., correct?

19 A. That is correct. That -- that's correct, sir.

20 Q. So the report date -- this says it -- at 14:38,
21 but where -- if you look to the right of that, the date
22 of the occurrence is 7/10/18 and the time is 14:35 or
23 2:35.

24 You didn't do this report three minutes after
25 the incident, did you?

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1 A. I believe what you're seeing there, sir, is an
2 estimation of when the call or the incident started.

3 Q. Right.

4 A. And I believe that is just an estimation of
5 minus three minutes.

6 Q. Okay. But you don't think you did this report
7 three minutes after the event, do you?

8 A. No, no. No, sir. That -- that's probably --
9 that -- that's a -- that's a time block of when the
10 incident may have started occurring or we arrived in the
11 area --

12 Q. Okay.

13 So where it says "report date and time," even
14 though it says July 10th, 2018 at 2:38, that's not
15 representative of the time and date that you did this
16 report, correct?

17 A. I don't believe so because I was out on the
18 scene at that time.

19 Q. Right.

20 In fact, on this very page, if you look in the
21 upper right, it says, "Prepared 7/23/18 2:55:19 p.m.,"
22 doesn't it?

23 A. I see that. Yes, sir.

24 Q. Okay. So under offenses -- oh. Forgive me.

25 So in the boxes underneath incident info, I see

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1 "traffic, comma, obstruct police." Do you see that?

2 A. Yes, sir. I do.

3 Q. And -- and does that pertain to apparently
4 charges at least were initially levied against my client?

5 A. Yes, sir.

6 Q. The reporting officer is listed as 6416. That's
7 you?

8 A. That is correct.

9 Q. You?

10 "Offenses, No. 1, 4899 obstruct, hyphen, other
11 offense." Did I read that right?

12 A. Yes, sir.

13 Q. What's that mean?

14 A. That is probably the -- the -- what I'm trying
15 to think what it's called. The NCIC offense code for how
16 the incident is being classified.

17 Q. Okay. And what is -- what does "obstruct other
18 offense" mean; do you know?

19 A. Obstruction. So that can entail any number of
20 things up to and including fleeing from police.

21 Q. Okay. Under arrest charge type "P-M," so P as
22 in Paul, M as in Mary.

23 A. I'm sorry. Can your assistant scroll down on
24 mine. I can't see.

25 Q. Sorry. Okay. This is not my assistant. It's

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1 my co-counsel, so --

2 A. Co-counsel. I apologize.

3 Q. No -- I just want to make sure I -- I corrected
4 the record because she'll -- she'll kick my butt.

5 Okay. Here we go. "Charge type P-M, Section
6 40-6-97." What does that mean, please, sir?

7 THE WITNESS: I'm sorry, ma'am. Could you
8 scroll down just a little bit more. Thank you.

9 That would be the charge for pedestrian
10 soliciting on roadway.

11 Q. (By Mr. Johnson) Okay. And then underneath
12 that, G-M, Section 16-10-24-A. What's that?

13 A. That is the state charge for obstructing law
14 enforcement officer.

15 Q. Which as you just indicated, can include fleeing
16 police.

17 A. Yes, sir.

18 Q. All right. And so those -- those are the only
19 two charges, at least, in arrest that are listed on this
20 report, right?

21 A. That is correct.

22 Q. Thank you.

23 Go to the next page. It's 2 of 2 of Exhibit 5,
24 please, sir. Upper right, same thing. It says, 2/20 --
25 "7/23/18 at 2:55:19 p.m.," correct?

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1 A. I see that. Yes, sir.

2 Q. All right. So I mean, to be fair at least in
3 terms of this document so far, it doesn't say approved.
4 It says "prepared" that date, doesn't it?

5 A. Yes, sir.

6 Q. Now, if you go all the way to the bottom of this
7 page, page 2 of Exhibit 1, reporting officer, of course,
8 there's your name, correct?

9 A. That is correct.

10 Q. And then it says, "Signed date" and it says,
11 "7/17/18," correct?

12 A. That is correct.

13 Q. Underneath that, supervisor is Stephens and that
14 signed date is 7/21/18, correct?

15 A. That is correct.

16 Q. And who's Stephens?

17 A. That was another one of my supervisors.

18 Q. Okay.

19 A. Sergeant Ryan -- well, Lieutenant Ryan Stephens
20 now.

21 Q. And other than looking at paperwork and so --
22 and sign off on it, then what was his role with you as it
23 pertains to this incident?

24 A. He was one of the supervisors that had responded
25 to the scene.

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1 Q. And Lieutenant Ryan who?

2 A. Ryan Stephens.

3 Q. R-y-a-n?

4 A. That is correct.

5 Q. S-t-e -- is it p-h or e-v-e-n-s? If you know.

6 A. P-h-e-n-s.

7 Q. Thank you, sir.

8 The fact that it says signed here on 7/17/18,
9 based on your understanding of the way this form and so
10 forth works, Officer Grubbs, does that mean you think
11 that's the date that you completed and signed your
12 report?

13 A. Yes, sir.

14 Q. And that apparently took approximately four days
15 for Stephens to review and/or sign off on it as well?

16 A. So it appears.

17 Q. And then you know why -- if that's true, why it
18 says on the top right of both page it's prepared on
19 7/23/18?

20 A. I don't know. My only guess would be is that
21 that is when the report was approved by central records.

22 Q. Okay.

23 A. I can't speak to that.

24 Q. Thank you.

25 So if, in fact, you did this report on 7/17,

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1 that would be a week after the events of, of course,
2 7/10.

3 A. From -- the report, I do believe from my memory,
4 was pretty much completed before that time. That is when
5 I actually submitted the report. I was off. I came back
6 to work on the 17th.

7 Q. Okay. Were you -- is that part of that
8 suspension with pay?

9 A. That was, in part, due to my off days as to what
10 they were at the time and the officer leave protocol when
11 going through a significant incident.

12 Q. Okay.

13 A. So those two happened to go right with each
14 other.

15 Q. All right. So if -- did you type this?

16 A. This report was generated on a computer, yes.

17 Q. By you?

18 A. By me.

19 Q. Did anybody help you?

20 A. No, sir.

21 Q. When you actually -- so the words that we see on
22 this document are yours.

23 A. That is correct.

24 Q. In fact, right above the signature area that
25 we've just referred to, it says, "The undersigned being

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1 duly sworn upon his or her oath deposes and states that
2 the foregoing is true, correct, complete, and legible to
3 the best of his or her knowledge and belief."

4 Did I read that right?

5 A. Yes, sir.

6 Q. So that's consistent with a sworn document.

7 A. Yes, sir.

8 Q. So in terms of when you would have actually
9 typed this document, when do you think you did it?

10 A. The report was typed that evening -- that
11 evening.

12 Q. The evening of?

13 A. Of July 10th, 2018.

14 Q. Where was it typed?

15 A. It was typed at my precinct.

16 Q. So after the events, you ultimately went back to
17 the precinct.

18 A. That is correct.

19 Q. Did you have any union officials that came to
20 the scene of the incident?

21 A. No union officials came to the scene that I'm
22 aware of.

23 Q. Did you have any union officials that came to
24 the precinct?

25 A. Yes. A union attorney did come to the precinct.

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1 Q. And did you speak with that union attorney at
2 all before you did this report?

3 A. I can't remember if it was before or after, but
4 I did speak with an attorney.

5 Q. Does it sound familiar about someone by the name
6 of Michaels?

7 A. Yes.

8 Q. Is -- is Michaels an attorney?

9 A. Yes, she is.

10 Q. She. Sorry. Well, I didn't say he, so I can't
11 get in trouble for that.

12 A. No.

13 Q. All right. IBPO, International Brotherhood of
14 Police Officers, correct?

15 A. That is correct.

16 Q. Attorney Michaels' first name, please.

17 A. Sandra.

18 Q. So we know the events took place in the
19 afternoon of the 10th. Any idea what time you did this
20 report on the computer before you left that day?

21 A. I do not know what time it was that I initiated
22 the report.

23 Q. You told us you started your shift at
24 ten o'clock. What's your normal shift off time?

25 A. 8:00 p.m.

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1 Q. Do you remember that you had to stay late that
2 day?

3 A. I do know I was there past 8:00 p.m.

4 Q. Okay. In that first paragraph where we had
5 talked about you and Shelley in the vehicle, "We observed
6 a black male subject standing on the roadway -- there's
7 two the's -- with a white paper sign and was actively
8 approaching passing vehicles."

9 Did I read that right?

10 A. Yes, sir.

11 Q. "The male subject appeared to be soliciting for
12 monetary contributions upon a controlled access highway."
13 Correct?

14 A. That is correct.

15 Q. And you said "appeared" because just like today,
16 you -- and I appreciate honesty -- said you don't
17 remember ever seeing him actually getting any money.
18 Right?

19 A. That is correct.

20 Q. Second paragraph. "I exited our marked patrol
21 vehicle in police attire, at which time the male later
22 identified as being Mr. Jerry Blasingame" -- and you gave
23 his date of birth -- "fled westbound on foot in heavy
24 traffic conditions."

25 A. That is correct.

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1 Q. Did I read it right? Okay.

2 The "heavy traffic conditions," he's already on
3 the side of the roadway. Were you talking about that
4 roadway or the other one on the downside of the hill?

5 A. The roadway that we were currently on, the
6 shoulder is considered part of the roadway.

7 Q. Okay. Thank you.

8 "I yelled, quote, police, end quote. Quote,
9 stop, end quote. And chased Mr. Blasingame while
10 crossing traffic in a northerly direction and began to
11 catch up to Mr. Blasingame on the north side of the
12 roadway."

13 Did I read that right?

14 A. Yes, sir.

15 Q. All right. I asked about what you said the day.
16 Today you'd mentioned the "stop" and you didn't say
17 police. This report says you also said "police," does it
18 not?

19 A. It does.

20 Q. And both of those are in quotes?

21 A. That is correct.

22 Q. So you're quoting yourself.

23 A. That is what I stated in quote, yeah,
24 specifically.

25 Q. Do you believe that you actually said "police"

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1 or do you think, as you testified to earlier today, that
2 you only said "stop"?

3 A. I do believe I said "police." I generated this
4 report shortly thereafter the incident. And as you
5 stated earlier, we're getting up on three years after.

6 Q. Yes, sir. Fair enough.

7 So like anything in life, right, I mean,
8 memories are better at the time you do it than later on.
9 Agreed?

10 A. Yes, sir.

11 Q. All right. And that's one of the reasons why we
12 have reports, true, sir?

13 A. Yes, sir.

14 Q. All right. When you say that you were --
15 "chased Mr. Blasingame while crossing traffic in a
16 northerly direction," does that tell you anything about
17 whether you went around the front or the back of a patrol
18 car? If it doesn't, tell me.

19 A. It doesn't. That action could have occurred
20 either way.

21 Q. Okay. Next sentence. "Shortly after he crossed
22 over a metal," m-e-t-e-a-l -- m-e-t-a-l, "vehicle
23 barrier, that was parallel to a wooded area."

24 A. Yes, sir. That's correct.

25 Q. "Mr. Blasingame was in close proximity and made

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1 a swinging type motion towards me with his arm after
2 crossing over the barrier and started to proceed down a
3 small dirt path with brush-like vegetation on both
4 sides."

5 Did I read that right?

6 A. Yes, sir.

7 Q. All right. And that metal vehicle barrier,
8 which -- that's the guardrail we've been talking about
9 today.

10 A. Yes, sir. That is correct.

11 Q. Okay. And again, the "swinging type motion,"
12 those are the words you used in your report, not punched,
13 right?

14 A. That is correct.

15 Q. Next sentence. "Mr. Blasingame was proceeding
16 towards the I-20 Eastbound Expressway southwest on-ramp
17 at Windsor," W-i-n-d-s-o-r, "Street Southwest."

18 That's what it says, right?

19 A. Yes, sir.

20 Q. "The roadway possessed vehicles traveling at
21 highway speeds at this time. I deployed my
22 department-issued Taser." Right?

23 A. That's correct, sir.

24 Q. "I deployed my Taser in an effort to stop
25 Mr. Blasingame from entering another highway area and

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1 creating a hazard to himself and third-party motorists."

2 Did I read that right?

3 A. That is also correct, sir.

4 Q. "Mr. Blasingame went down and made contact with
5 a small concrete slab."

6 First of all -- oh, sorry. I'll read the whole
7 sentence.

8 "Mr. Blasingame went down and made contact with
9 a small concrete slab that was adjacent to a traffic
10 control box, to which I did not immediately see from
11 where I had engaged Mr. Blasingame due to foliage."

12 Did I read that right?

13 A. Yes, sir.

14 Q. So when you say "went down and made contact," in
15 other words, when you Tased him, he fell down and struck
16 that concrete slab.

17 A. That was my observation.

18 Q. All right. "I made contact with him and
19 determined that he was unresponsive with bleeding from
20 the head."

21 So I'll take it, that's when you first went over
22 to him and he's face down.

23 A. Yes, sir.

24 Q. "I immediately notified the Zone 5 dispatcher
25 and advised of the Taser deployment and requested Grady

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1 EMS and fire rescue."

2 A. That is correct.

3 Q. "I retrieved my medical bag from the patrol car
4 and continued to monitor Mr. Blasingame breathing and
5 pulse."

6 A. That's correct.

7 Q. All right. It doesn't say anything about
8 turning him over at this point, right?

9 A. No, sir.

10 Q. It doesn't say anything about doing any type of
11 resuscitative anything, right?

12 A. That is correct.

13 Q. "Grady EMS 609, along with Engine 10 and
14 Truck 10, responded to the location and transported him
15 to Grady Hospital trauma center for further treatment."

16 Did I read that right?

17 A. That is correct.

18 Q. Nothing about you turning him over. Nothing
19 about agonal breaths. Nothing about any of that so far,
20 agreed?

21 A. Agreed.

22 Q. "Supervisor 5593" -- that's Lieutenant Zorn --
23 was "notified and responded to the scene along with crime
24 scene unit 7334." Correct?

25 A. That's correct.

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1 Q. "The scene photographed from a multitude of
2 angles and with measurements from the guardrail to the
3 concrete slab."

4 A. That is correct.

5 Q. Do you remember seeing the measurement?

6 A. I remember the measurements being taken.

7 Q. Do you remember ballpark what it was?

8 A. I do not.

9 Q. I think I saw something about 23 feet and some
10 odd inches. Does that sound familiar or no?

11 A. No, sir.

12 Q. Did you measure?

13 A. No, sir. I did not take any measurements --

14 Q. Okay.

15 A. -- that I remember.

16 Q. Next paragraph. "Reference this incident,
17 Mr. Blasingame is charged with pedestrian solicit on
18 roadway and obstruction of police."

19 And that's consistent what we read about those
20 charges on the first page, true?

21 A. That is correct, sir.

22 Q. "No property was obtained at the scene."

23 Meaning, like, in other words, nothing was taken
24 into evidence from him?

25 A. That is correct.

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1 Q. Well, obviously -- no, you -- we've already been
2 through -- you -- you never found any firearm,
3 no -weapons on him at all?

4 A. No, sir.

5 Q. Found no drugs on him at all?

6 A. I never completed a search of his person, but I
7 have not heard of any weapons or controlled substances
8 being located.

9 Q. Taken that -- did you take into custody the
10 baseball cap and the white sign?

11 A. I did not.

12 Q. Do you know why you didn't?

13 A. Those were left for evidentiary purposes. I
14 don't know if they were recovered by crime scene or the
15 GBI.

16 Q. Okay. "At the time of the incident, I did not
17 realize that my body camera was not in buffering mode and
18 it was activated immediately after."

19 Did I read that right?

20 A. That is correct.

21 Q. Can you tell me, what was it about this incident
22 that somehow jogged your memory to look to see if your
23 body camera was on?

24 A. After the incident occurred, I remembered
25 hitting my body camera to make sure that it was in the

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1 record mode and realized that it wasn't.

2 Q. And if you thought about it after the incident,
3 what do you think -- why you didn't think about it before
4 you got out of the car?

5 A. My time from exiting the car to engaging in the
6 foot pursuit happened very quickly.

7 Q. Okay.

8 A. Within ten seconds or less.

9 Q. And of course, the next line is, "There's no
10 further information to report at this time." Correct?

11 A. That is correct.

12 Q. There's nothing about you turning off your
13 camera at that time, is there?

14 A. No, sir.

15 Q. And if you did turn off your camera, that would
16 be something that you would typically record, right?

17 A. It's possible to document that, yes.

18 Q. Well, if you document it and you turned it on
19 and you know that you turned it off within a few seconds
20 after you turned it on, you would typically note that,
21 wouldn't you?

22 MS. MILLER: Objection.

23 But you can answer.

24 THE WITNESS: You might notate it. It's
25 possible. I did not notate that.

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1 Q. (By Mr. Johnson) Well, I think -- have you
2 looked at the video footage at all?

3 A. I have seen the video footage.

4 Q. When did you see it last?

5 A. I saw the video footage -- I saw pieces of it a
6 couple of days ago.

7 Q. Okay. So you know that you turned it off,
8 right?

9 A. I saw that.

10 Q. And I don't -- I don't get that. If you
11 realized you didn't turn it on, then you turn it on, why
12 would you turn it off within a few seconds of turning it
13 on?

14 A. That may have been accidental. I'm not sure.

15 Q. And like just a coincidence that Officer Shelley
16 did the same thing.

17 MS. MILLER: Objection.

18 You can answer if you know.

19 THE WITNESS: I can't speak to that.

20 Q. (By Mr. Johnson) Other than he should have had
21 it on like you should have had it on.

22 MS. MILLER: Objection.

23 You can respond.

24 THE WITNESS: Is that a question?

25 Q. (By Mr. Johnson) Yes.

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1 A. I guess, yes.

2 Q. On the bottom of the page where it says "Clerk
3 ID number 2705," we see, "File date 7/23/18, 2:53:39."

4 Do you see that?

5 A. I do.

6 Q. I still don't get why that says that and then
7 even two minutes later, the prepared date on the top.
8 Any idea why?

9 A. As I stated previously, I think that is central
10 records. I can't speak for sure, though.

11 MR. JOHNSON: Maddie, do you have the next two
12 pages of the report?

13 MS. SINKOVICH: I believe so. Is this it? If
14 this is a different report...

15 (Whereupon, a document was presented.)

16 MR. JOHNSON: That's it. That's it. Enlarge
17 it --

18 MS. SINKOVICH: All right.

19 MR. JOHNSON: -- so I can see it or I can
20 pretend to see it.

21 MS. SINKOVICH: Yes, I'll supplement.

22 MR. JOHNSON: I'm going to make this Exhibit 6,
23 please.

24 (Whereupon, Plaintiff's Exhibit No. 6 was
25 presented for review by the witness.)

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1 Q. (By Mr. Johnson) Officer Grubbs, upper
2 left-hand corner, the report date says "8/9/16" -- or
3 "18." Do you see that?

4 A. I do.

5 Q. Okay. So let me see. That's -- July 10, the
6 incident. This is August 9, so literally one day shy of
7 a month after the incident, right?

8 A. Yes, sir.

9 Q. Why did you and Ser- -- then Sergeant Zorn go to
10 Grady Hospital?

11 A. We responded to Grady Hospital to present the
12 copy of charges to Mr. Blasingame.

13 Q. Why?

14 A. That's what I was directed to do.

15 Q. So you did what you were ordered to do.

16 A. Yes, sir.

17 Q. Who ordered you to do it?

18 A. I can't speak to that. I don't know if that
19 came from my command staff or where it came from.

20 Q. Did you see him?

21 A. I did.

22 Q. Where was he?

23 A. He was located at Grady Hospital.

24 Q. Yeah, I got that.

25 Well, I mean, was he in a hospital bed?

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1 A. Yes. It did appear so.

2 Q. What kind of room was it? Was he in ICU or
3 where was he in the hospital?

4 A. I mean, the best I can tell you, it was 7K04.
5 I'm not exactly sure if that was a regular hospital room,
6 post operating, ICU. I don't know.

7 Q. If left up to you, you would have never done
8 that, would you?

9 MS. MILLER: Objection.

10 But you can answer.

11 THE WITNESS: I can't speak to that. That's
12 just what I was told to do.

13 Q. (By Mr. Johnson) An updated arrest citation was
14 given to Grady detention. What's an updated arrest
15 citation?

16 A. Oh, I'm sorry, sir. I was just reading that
17 real quick.

18 Q. Sure. What is an updated arrest citation?

19 A. I believe -- if memory serves me correct, I
20 believe the charges were just changed from city charges
21 or ordinance violations to state law violations. I
22 believe that was the only change.

23 Q. And what was that charge?

24 A. The original charge of pedestrian soliciting on
25 roadway. And the only charge that was changed was the

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1 obstruction of police, which is a city ordinance
2 violation, to the obstruction of police, but the state
3 law violation.

4 Q. And again, you did that because someone
5 instructed you to make those changes?

6 A. That is correct.

7 Q. Who?

8 A. I do not know.

9 Q. On this document, the first page of Exhibit 6
10 under offenses, it says, "Offense, 9-M as in Mary,
11 miscellaneous non-crime."

12 What's that mean?

13 A. That is the -- sorry. We use a whole new
14 reporting system now. I haven't seen this reporting
15 system in a while.

16 Q. Okay.

17 A. That is the -- I believe the UCR code, the
18 Uniform Crime Reporting code for a information report.
19 And that is something that can be used -- or was used on
20 the old reporting system to update or add information.

21 Q. When you saw Mr. Blasingame, did you talk to
22 him?

23 A. Very briefly.

24 Q. What did you say to him?

25 A. I identified myself, I believe, as well as what

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1 our purpose was, and then presented the charges to him.

2 Q. Were they, like, a ticket?

3 A. Yes. There's an arrest copy.

4 Q. Was he conscious?

5 A. He appeared to be so.

6 Q. Did he speak back to you?

7 A. I can't recall exactly what his exact responses
8 were. I know there was some type of acknowledgement.

9 Q. Any other conversation you had?

10 A. No, sir. It was very brief.

11 Q. Did you have any understanding at the time what
12 his physical injuries were?

13 MS. MILLER: Objection.

14 You can answer.

15 THE WITNESS: The specific injuries, no. I've
16 heard that there was a possibility he would be
17 quadriplegic.

18 Q. (By Mr. Johnson) Did you at all have a -- any
19 type of a conversation with him where you said you're
20 sorry?

21 A. No, I did not have any conversation of that
22 magnitude.

23 Q. Did you ever ask him how he's feeling, how he's
24 doing?

25 A. No, sir.

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1 Q. Do you know how ultimately these charges were
2 dismissed?

3 A. I do not.

4 Q. Do you know by whom they were dismissed?

5 A. I do not.

6 Q. I take it, you were not consulted about them
7 being dismissed before they actually were dismissed?

8 A. That is correct.

9 Q. All right.

10 MR. JOHNSON: I apologize, folks. I need to run
11 to the restroom and then I will be finishing up. Thank
12 you.

13 THE VIDEOGRAPHER: Going off the record.
14 Universal time is 2015. We are now off the record.

15 (Whereupon, a recess was taken.)

16 THE VIDEOGRAPHER: We're now back on the record.
17 The Universal time is 2025.

18 Q. (By Mr. Johnson) Officer Grubbs, we found
19 some -- the tickets if you will, the uniform traffic
20 citation summons and accusation forms, but they were
21 signed by Officer Shelley.

22 Do you remember being involved at all in the
23 creation of these tickets?

24 A. On the original tickets, no, I don't believe I
25 wrote those.

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1 Q. Do you have memory of being involved in writing
2 out the second tickets a month later?

3 A. That's possible. I'm not a hundred percent
4 sure.

5 Q. Okay. Because I haven't seen those. That
6 doesn't mean they don't exist.

7 Do you remember talking to Shelley on the night
8 of as to why he was doing the uniform traffic citations
9 summons and accusation versus you?

10 A. I do not remember that conversation.

11 Q. Okay. So I -- and if his signature's on it, any
12 reason to think that you have handwriting on it?

13 A. No. If you need me to verify that, I'd be more
14 than happy to take a look.

15 Q. All right. Let's do it.

16 MR. JOHNSON: Sorry, Maddie. Let's do the --
17 there's two tickets. Let's do the first one, 5339976.
18 We'll mark that as Exhibit 7, please.

19 (Whereupon, a document was presented.)

20 Q. (By Mr. Johnson) Now, look at the handwritten
21 citation, please.

22 MR. JOHNSON: Can you move that down, Maddie,
23 and I can see the number. That -- the other one, not
24 that one.

25 (Whereupon, a document was presented.)

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1 MR. JOHNSON: Okay. No. I mean the other one.

2 MS. SINKOVICH: Ven, is this one it?

3 MR. JOHNSON: Yes, ma'am.

4 (Whereupon, Plaintiff's Exhibit No. 7 was
5 presented for review by the witness.)

6 Q. (By Mr. Johnson) Is that big enough for you to
7 see, Officer Grubbs?

8 A. Yes, sir. It is.

9 Q. Upper right-hand corner, where it says, "Georgia
10 Uniform Traffic Citation Summons and Accusation."

11 A. That is correct.

12 Q. "Citation No. 5339976."

13 A. That is correct.

14 Q. All right. The handwriting on the top of this
15 document, is that yours?

16 A. That is not my handwriting.

17 Q. Okay. It lists my client's height as 5-7,
18 weight 165. Do you see that?

19 A. I do.

20 Q. In terms of the bottom signature there, is that
21 Officer Shelley's signature?

22 A. I believe so.

23 Q. Okay. The offense is listed as obstruction,
24 correct?

25 A. That is correct.

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1 Q. Underneath that it says, "Did flee from officer
2 on foot." Did I read that right?

3 A. Yes, sir.

4 Q. And then you go down a few more boxes. "You are
5 ordered to appear in court to answer this charge on blank
6 date."

7 And then it talks about something to do with
8 July something, but it doesn't have a time and date,
9 right?

10 A. Yes, sir. That is correct.

11 Q. And then we also have the -- that's Exhibit 7?

12 MR. JOHNSON: Let's go to Exhibit 8, please,
13 Maddie. That's the next Georgia Uniform Traffic Citation
14 Summons and Accusation.

15 (Whereupon, Plaintiff's Exhibit No. 8 was
16 presented for review by the witness.)

17 Q. (By Mr. Johnson) You see this -- this is,
18 Officer Grubbs, 5340149. Do you see that?

19 A. I do.

20 Q. Any part of this your handwriting?

21 A. That does appear to be my handwriting.

22 Q. Okay. Is that your signature on the bottom of
23 that?

24 A. It is.

25 Q. All right.

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1 MR. JOHNSON: Well played, Solomon.

2 Q. (By Mr. Johnson) Any idea why Shelley did one
3 and you did one?

4 A. That's not uncommon for units that ride in
5 two-man cars or two-officer cars.

6 Q. Okay. Likewise, you list my client's height as
7 5-foot-7, 165 pounds?

8 A. Yes, sir.

9 Q. Underneath that it -- you see those boxes that
10 are checked?

11 A. Yes.

12 Q. It says, "Injuries." It's checked no, isn't it?

13 A. Yes, sir.

14 Q. Why?

15 A. That box relates to vehicle accidents.

16 Q. Okay. Well, it says, "Accident, yes or no" and
17 it's checked no, right?

18 A. It relates to traffic accidents involving
19 vehicles.

20 Q. Okay. Well, this whole thing is the Uniform
21 Traffic Citation, right?

22 A. Uh-huh.

23 Q. Yes?

24 A. Yes, sir. That -- that particular box where
25 you're referring to CDL accident injury fatalities, that

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1 is a box that we use for traffic accidents specifically
2 involving vehicles.

3 Q. So you have "pedestrian solicit on roadway,"
4 correct?

5 A. Yes, sir.

6 Q. And you say, "Hold sign while standing on
7 on-ramp." It's what it says.

8 A. Yes, sir.

9 Q. And then this document says that my client was
10 supposed to be in court on July 18 at eight o'clock a.m.,
11 right?

12 A. Yes, sir.

13 Q. Do you know why it says "jail" on signature?

14 A. That is what is placed when a subject is taken
15 into custody and not released on what we refer to as a
16 copy of charges.

17 Q. Okay. And then again, that's your signature
18 below that?

19 A. Yes.

20 Q. All right. And then, of course, the -- do you
21 have any idea why the citation numbers aren't, like,
22 right next to each other?

23 A. On the -- I do -- what's the previous citation
24 number?

25 Q. 5339976 and then the 5340149.

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1 A. The citations may have come from two different
2 citation books.

3 Q. I get -- I guess walk -- walk me -- if you have
4 one guy that's being arrested and you're the one that
5 interacted with him --

6 A. Uh-huh.

7 Q. -- why wouldn't you do both citations?

8 A. At times, it is that way and at times when
9 there's multiple citations to be written, multiple
10 charges, whatever the case may be, it is not uncommon for
11 your partner to assist in writing tickets.

12 Q. You're -- so you're telling me you think you did
13 this citation on the night of the incident.

14 A. I can't tell you exactly when I did that, if it
15 was the date of the incident or not. I'm not -- I'm not
16 sure.

17 Q. Well, that's -- that's what I need to know.

18 Where -- where -- where is -- on this document
19 does it say what day or time this was done by you?

20 A. It says, "July 10th".

21 Q. It says, "July 10, 2018 at 1438," which is 2:38,
22 right?

23 A. That is correct.

24 Q. Which we know, obviously, you didn't do it then.

25 A. Uh-huh.

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1 Q. Right?

2 A. Yes, sir. That is the information in the
3 computer.

4 Q. Yep.

5 A. That's what's put.

6 Q. On the bottom right above your signature, it
7 says, "July 10, 2018," right?

8 A. It does.

9 Q. So how would we get to the bottom and figure out
10 exactly what time this was done and -- if you know?

11 A. As far as I know, it was done that night.

12 Q. Okay. If there were affidavits for arrests for
13 both of these charges and these charges only and both of
14 them were done by Shelley as opposed to one done by you
15 and one done by Shelley, why would that be?

16 A. Are you talking about the EWI warrants?

17 Q. I'm talking about the affidavit for arrest.

18 A. I would have to see that document to know
19 specifically what you're talking about.

20 Q. Okay.

21 MR. JOHNSON: Maddie, please.

22 (Whereupon, Plaintiff's Exhibit No. 9 was
23 presented for review by the witness.)

24 THE WITNESS: Okay. The arrest warrants.

25 Q. (By Mr. Johnson) Okay. So let's do --

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1 MR. JOHNSON: Maddie, can you make that bigger,
2 please, so I can pretend to read it. Way bigger. There
3 we go.

4 THE WITNESS: Okay, Mr. Johnson. What was your
5 question?

6 MR. JOHNSON: Okay. We're going to mark this
7 document as Exhibit 9.

8 Q. (By Mr. Johnson) Can you see within the
9 affidavit of arrest, this one's for the pedestrian
10 soliciting rides?

11 A. Yes, sir. I see that.

12 Q. And then it says -- the affiant says, "Case,
13 Shelley"?

14 A. I see that as well.

15 Q. That's -- is that his signature?

16 A. To the best of my knowledge.

17 Q. Okay. Under probable cause it says, "I observed
18 the accused in the roadway collecting money, paren, 120
19 eastbound and I-75 northbound."

20 Did I read that right?

21 A. Yes, sir.

22 Q. You never saw that guy collecting money, did
23 you?

24 A. I did not.

25 Q. No. That's what I just asked you.

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1 Did Shelley ever say that he did and somehow you
2 missed it?

3 A. I don't recall. His point of view may have been
4 different.

5 Q. While he's sitting in the car right next to you?

6 A. He's in the driver seat, I'm in the passenger
7 seat. You'd be surprised what you can see and not see.

8 Q. Okay. You're not going to tell me that if he
9 saw this guy collect money, that you didn't see the same
10 thing when you're sitting right next to him in a car, are
11 you? So Officer --

12 A. I can't speak --

13 MS. MILLER: Objection.

14 But you can answer.

15 THE WITNESS: -- I can't speak to exactly what
16 he saw.

17 Q. (By Mr. Johnson) All right. All you can do is
18 talk about what you saw and you didn't see my client
19 actually collecting money, right?

20 A. That is correct.

21 Q. Thank you.

22 MR. JOHNSON: Let's go to the next arrest --
23 affidavit of arrest, please, Maddie.

24 Q. (By Mr. Johnson). Let me say this to you
25 before that's -- darn it.

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1 Did you -- according to the last one -- it's
2 Exhibit 8 -- did you see where Shelley signed it and it
3 says it's done -- it's done on Jan- -- July 10, 2018 at
4 10:18 p.m.?

5 A. I do see that, sir.

6 Q. Okay.

7 MR. JOHNSON: Now we'll go to the next one,
8 please, Maddie.

9 (Whereupon, Plaintiff's Exhibit No. 10 was
10 presented for review by the witness.)

11 Q. (By Mr. Johnson) This one's for the willful
12 obstruction of law enforcement officers?

13 A. (No response.)

14 Q. Is that correct, sir?

15 A. That is correct.

16 Q. That's Exhibit 10.

17 This is also Shelley's signature?

18 A. It appears to be.

19 Q. Likewise, it says, "On July 10, 2018 at
20 10:18:45," which is the exact same time as the other
21 affidavit, correct?

22 A. Correct.

23 Q. This says, underneath the willful obstruction of
24 law enforcement officers, misdemeanor, "Said accused did
25 knowingly and willfully obstruct or hinder K. Shelley and

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1 J. Grubbs of Atlanta Police Department, a law enforcement
2 officer, in the lawful discharge of the officers'
3 official duties by observe -- observing the accused
4 solicit rides and flee from the presence of officers on
5 the highway into the bushes. Said -- and this deponent
6 makes this affidavit that a warrant may issue for his
7 slash her arrest."

8 Did I read that right?

9 A. Yes, sir.

10 Q. Well, you already told me my client wasn't
11 soliciting a ride. So that's inaccurate, correct?

12 A. He did not --

13 MS. MILLER: Objection.

14 THE WITNESS: -- was not soliciting a ride.

15 Q. (By Mr. Johnson) Thank you.

16 So where it says that "the officers' official
17 duty by observing the accused solicit rides," that's
18 incorrect, true?

19 MS. MILLER: Objection.

20 But you can answer if you know.

21 THE WITNESS: Well, sir, what I would say is
22 that may be an incorrect phrasing, but the charge itself,
23 as I'm sure you've seen, encompassed rides or business.
24 They go together in the State of --

25 Q. (By Mr. Johnson) Back --

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1 A. -- Georgia here.

2 Q. -- back to my question. What -- this says that,
3 "The officers'" -- plural -- "official duties by
4 observing the accused solicit rides."

5 That statement is false, isn't it? Yes or no.

6 A. I didn't write it --

7 MS. MILLER: Objection.

8 THE WITNESS: -- so I can't --

9 MS. MILLER: Objection.

10 THE WITNESS: -- speak to that.

11 Q. (By Mr. Johnson) I'm not --

12 MS. MILLER: You can answer.

13 Q. (By Mr. Johnson) Well, if -- you didn't see my
14 client solicit a ride that day, did you? Yes or no,
15 please.

16 A. Your client was on the highway where he
17 shouldn't have been soliciting rides or business. That
18 is my answer to your question.

19 Q. You told me earlier that he was not soliciting a
20 ride.

21 A. I -- he -- he did not appear to be soliciting a
22 ride.

23 Q. Thank you.

24 So you didn't see him solicit a ride. And any
25 statement that said he was soliciting a ride would be

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1 inconsistent with what you saw.

2 A. He appeared to be soliciting business, in my
3 opinion.

4 Q. Thank you.

5 And then it said, of course, "fleeing from
6 presence of officers on the highway into the bushes,"
7 correct?

8 A. That is correct.

9 Q. The probable cause listed by Shelley, "The
10 accused was in the roadway soliciting rides," is what it
11 says, right?

12 A. That's what it says.

13 Q. Even though you didn't see that.

14 A. (No response.)

15 Q. Right?

16 A. Are you disputing that he wasn't on the roadway?

17 Q. Are you disputing that he's soliciting a ride?
18 Yes or no.

19 A. I'm not disputing that he was in the roadway
20 soliciting a ride or business.

21 Q. He was not soliciting a ride, was he? Yes or
22 no.

23 A. I don't know. Was he? Ask him.

24 Q. I'm asking you, Officer Grubbs. Do you --

25 A. I just --

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1 Q. -- your testimony during that time?

2 MS. MILLER: I'm going to object to this line of
3 questioning -- Officer Grubbs, please let me finish.

4 And Mr. Johnson as well.

5 I'm going to object to this line of questioning
6 because it has been asked and answered.

7 MR. JOHNSON: I am entitled to a yes or no
8 answer if I can -- if I can ask a yes or no question.

9 Q. (By Mr. Johnson) And the fact of the matter is
10 you did not see my client soliciting a ride, did you?
11 Yes or no.

12 A. Yes, I saw your client soliciting rides or
13 business. That's my answer.

14 Q. I didn't ask you about or business.

15 A. The charge says "rides or business." My answer
16 is yes.

17 Q. Okay. The probable cause doesn't say anything
18 about business, does it?

19 A. Okay. Well, it doesn't, but that's my answer.

20 Q. That's -- you got to answer my question now.

21 A. My answer is yes. He was soliciting rides or
22 business.

23 Q. Okay. So he didn't -- was not soliciting a ride
24 only, was he?

25 A. My answer is yes, Mr. Johnson.

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1 Q. I know because you're not going to answer my
2 question truthfully, are you, sir? Because you know your
3 partner wrote down something that's false.

4 MS. MILLER: Mr. Johnson, I'm going to object to
5 that. At this point, you are being very disrespectful to
6 my witness. So could you please ask a question and then
7 my witness will answer. And if he's already answered,
8 I'm going to object again as asked and answered.

9 MR. JOHNSON: I'm not being disrespectful to
10 anybody. But when I have a sworn affidavit in front of
11 me, which he's already testified is absolutely not what
12 he saw, I get this answer. Just because there's a sworn
13 document from the partner now doesn't change that. So
14 if that --

15 MS. MILLER: That's fine. And my -- my client
16 has answered that he did not write and author this
17 particular document and he's also --

18 MR. JOHNSON: It doesn't matter who wrote it.

19 MS. MILLER: -- he also has answered that he
20 doesn't know what Officer Shelley saw. So that was his
21 statement.

22 MR. JOHNSON: I'm not asking that.

23 Q. (By Mr. Johnson) "The accused was in the
24 roadway soliciting rides." The fact of the matter is
25 that is not what you witnessed? Yes or no.

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1 MS. MILLER: Same objection.

2 But you can answer, Officer Grubbs.

3 THE WITNESS: Mr. Johnson, my answer is yes, I
4 viewed Mr. Blasingame in the roadway. Understand me,
5 sir, when I say in the roadway soliciting what I believe
6 to be monetary contributions for rides.

7 Your client, sir, fled from me. I never had a
8 chance to interview him and ask him what he was doing.
9 That is my answer.

10 Q. Okay. So he was trying to get a ride, not look
11 for money.

12 A. Yes, that's what --

13 Q. Or is or. You don't -- can't have it both ways.
14 Or is or.

15 A. Is that a question, sir?

16 Q. It is.

17 Since you refuse to answer my question, sir,
18 let's go with yours.

19 A. What is your question, sir?

20 Q. So then tell me about what ride he was trying to
21 solicit? Where was he trying to go?

22 A. I don't know. You've spoken to him. I haven't.

23 Q. You don't want to answer the question, do you?

24 A. You'd be --

25 MS. MILLER: He has answered the question. He

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1 said he doesn't know.

2 MR. JOHNSON: He hasn't --

3 MS. MILLER: Either we can -- we can move on or
4 we can stay in this circle. But I think my client has
5 answered more than once.

6 MR. JOHNSON: He has refused three times to
7 answer a direct question and he wants to throw in words
8 that I didn't have in the question. So I can do this all
9 day until I get my answer.

10 MS. MILLER: Well, actually, you can't do it all
11 day because we're running up on your seven hours.

12 MR. JOHNSON: Oh. That --

13 MS. MILLER: So he can respond and we can move
14 on or we can stay here and you can get to your seven
15 hours and I ask my questions and you leave.

16 Either way, it's fine.

17 MR. JOHNSON: But if he's not answering my
18 questions, seven's hours doesn't count and you know that.
19 So you do whatever you want.

20 MS. MILLER: Okay. Next question, please.

21 Q. (By Mr. Johnson) Who made the affidavit for
22 arrest that my client swung at you?

23 A. Well, where is the affidavit for it?

24 Q. Show me any citation or an affidavit for arrest
25 that says my client swung at you.

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1 A. I don't have any such document.

2 Q. He was never charged with that, was he?

3 A. No, sir. He was not. That would encompass
4 normally in the obstruction charge.

5 Q. If he -- and in the obstruction charge and
6 actually on the ticket itself, which we read together, it
7 said "did flee from officer on foot". It says nothing
8 about him swinging his arm at you, does it?

9 A. No, sir. It does not.

10 Q. And swinging at an officer could be a felony and
11 not a traffic violation at all, right?

12 A. That is correct.

13 Q. He was not charged at all with that, was he?

14 A. That is correct.

15 Q. Okay. Because he never did it, isn't it?

16 MS. MILLER: Objection.

17 You can answer.

18 THE WITNESS: He did do it.

19 Q. (By Mr. Johnson) And you decided, for some
20 reason, that despite the most serious offense of
21 everything that he did that day, you wouldn't charge him
22 with the one and only felony.

23 MS. MILLER: Objection.

24 But you can answer.

25 THE WITNESS: That would have been actually a

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1 misdemeanor, also. But no, I didn't charge him with
2 that.

3 Q. (By Mr. Johnson) It is by far the most serious
4 of the charges that could have been levied against him
5 that day, wasn't it?

6 A. I suppose.

7 Q. Why didn't you charge him, then? You charged
8 him with trying to solicit a ride.

9 If you charged him with obstructing an officer,
10 why not charge him with that?

11 A. I used my discretion and levied the charges I
12 felt were appropriate.

13 Q. So you decided not to do that.

14 A. That is correct.

15 Q. So he's never even been formally accused of
16 doing that.

17 A. No, sir.

18 Q. And even when you, later on in -- a month later
19 could have brought that charge, you never did.

20 A. I did not.

21 MR. JOHNSON: Let's go off the record for one
22 minute, please. Thank you.

23 THE VIDEOGRAPHER: Going off the record.
24 Universal time is 2049. We are now off the record.

25 (Whereupon, a recess was taken.)

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1 THE VIDEOGRAPHER: Stand by, please.

2 We're now back on the record. Universal time is
3 2050.

4 Q. (By Mr. Johnson) Officer Grubbs, if -- we have
5 no other citation tickets, we have no other affidavits
6 for arrest in this file other than the ones I showed you.

7 Are you able to explain why those wouldn't exist
8 if you went back to the hos- -- to the hospital a month
9 later and took them to my client?

10 A. I can't speak to that, sir.

11 Q. Do you think it was either one of the two that
12 you -- that we've already discussed -- Exhibits 7 or 8
13 or 9 and 10 -- that you took to my client when you went
14 there in August?

15 A. I do not recall.

16 Q. All right.

17 MR. JOHNSON: Okay. Thank you. I have no more
18 questions right now. I appreciate it.

19 MS. MILLER: Thank you. If we could take a
20 five-minute break and I will have some questions.

21 THE VIDEOGRAPHER: We're going off the record.
22 Universal time is 2051. We are now off the record.

23 (Whereupon, a recess was taken.)

24 THE VIDEOGRAPHER: Stand by, please.

25 We're now back on the record. The universal

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1 time is 2057.

2 DIRECT EXAMINATION

3 BY MS. MILLER:

4 Q. Okay. Officer Grubbs, thank you again for being
5 here today. I'll just have a few questions hopefully.

6 So first, I want to ask, do you know whether
7 there's a GBI investigation into this particular matter?

8 A. I know that there was a GBI investigation that
9 was conducted, yes.

10 Q. Okay. And did you participate in that
11 investigation in any way?

12 A. I participated in the initial investigation,
13 yes.

14 Q. Okay. Do you know how long it took for that
15 investigation to conclude or whether it has concluded?

16 A. I'm not a hundred percent sure as to the status
17 of GBI's investigation.

18 Q. Okay. But they have never sent you anything
19 that has indicated that that investigation has concluded.

20 A. No, ma'am.

21 Q. Okay. Do you know whether there is a Fulton
22 County D. -- D.A.'s Office -- District Attorney's Office
23 investigation into this matter?

24 A. Yes, there was.

25 Q. Okay. And did you participate in that

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1 investigation?

2 A. No, I did not.

3 Q. Okay. Do you know whether that investigation
4 has concluded?

5 A. That investigation has concluded, yes.

6 Q. Okay. And do you know when that investigation
7 concluded?

8 A. I believe it was in October of 2020.

9 Q. Okay. What were your intentions of -- when you
10 approached Mr. Blasingame on July 10th, 2018?

11 A. To conduct an investigation in reference to him
12 soliciting rides or business on a highway.

13 Q. Okay. And after you first saw Mr. Blasingame,
14 did you immediately deploy your Taser?

15 A. I did not.

16 Q. Did you deploy your Taser as you were running --
17 as you both were running alongside the highway?

18 A. No, I did not.

19 Q. Did you deploy your Taser at Mr. Blasingame at
20 any point before he went over the barrier?

21 A. No, I did not.

22 Q. Okay. When did you first deploy your Taser at
23 Mr. Blasingame relative to when you saw him?

24 A. The deployment occurred after the swinging type
25 motion and as Mr. Blasingame began to make his way

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1 towards the Windsor Street on-ramp while still on the
2 dirt path.

3 Q. Okay. And why did you deploy your Taser at
4 Mr. Blasingame?

5 A. I felt that Mr. Blasingame was getting ready to
6 reenter the highway and would create a risk to himself or
7 a third-party motorist. And it was done in an effort to
8 stop that from happening.

9 Q. Okay. Do you know whether Mr. Blasingame
10 tripped and fell before the Taser struck him?

11 MR. JOHNSON: Object to the form of the
12 question. Tripped and fell.

13 Q. (By Ms. Miller) Okay. You can answer the
14 question.

15 A. I do not, but it is a possibility.

16 Q. Okay. Do you know if Mr. Blasingame could have
17 fallen without the use of a Taser?

18 A. It is possible. It was a dirt trail that, you
19 know, may have possessed some root systems or another
20 type of obstruction that may have caught his foot.

21 Q. Okay. And when you first engaged with
22 Mr. Blasingame, could you ascertain his age?

23 A. I could not.

24 Q. Okay. And when Mr. Blasingame began to run from
25 you and jump over the vehicle barrier, did he seem feeble

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1 to you?

2 A. He did not.

3 MR. JOHNSON: Object to the form of the
4 question. He's never testified that he jumped over.

5 MS. MILLER: Excuse me.

6 MR. JOHNSON: In fact, it's to the contrary.

7 MS. MILLER: Okay.

8 Q. (By Ms. Miller) Hurdled over the barrier, as
9 the term was used earlier?

10 MR. JOHNSON: Which he said --

11 Q. (By Ms. Miller) Used the term --

12 MR. JOHNSON: -- which he said no to, by the
13 way. But please continue.

14 Q. (By Ms. Miller) Did Mr. Blasingame seem feeble
15 to you?

16 A. He did not seem feeble.

17 Q. Okay. Do you know whether Mr. Blasingame was
18 attempting to retrieve a weapon when he went into the
19 wooded area?

20 A. I do not, but it is a possibility.

21 Q. Okay. Do you know if Mr. Blasingame was
22 attempting to solicit help from others as he went into
23 the wooded area?

24 A. I do not, but it was a possibility as well.

25 Q. Okay. At the time that you drew your Taser,

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1 could you see the metal box that was at the bottom of
2 that particular landing?

3 A. I did not see the box.

4 Q. Okay. At what point did you activate your
5 body-worn camera in this incident?

6 A. That occurred when I had made my way down to
7 Mr. Blasingame.

8 Q. Okay. And so there is actual footage of the
9 scene of this particular incident.

10 A. Yes, ma'am.

11 Q. And did you activate your body-worn camera
12 immediately when you realized that it was not on?

13 A. I did.

14 Q. Did you believe, before activating the body-worn
15 camera, that it was actually recording?

16 A. I believed it was on in its buffering mode.

17 Q. And when you realized that it was not on and in
18 the buffering mode, did you turn your body-worn camera
19 on?

20 A. I did.

21 Q. Okay. As it relates to the obstruction charge
22 that Mr. Blasingame was charged with, can you tell me
23 what all that charge included?

24 A. The obstruction charge was including the fleeing
25 from police.

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1 Q. Okay. Did it include the swinging type motion
2 that Mr. Blasingame made towards you?

3 A. No, it did not. But as we saw previously, I did
4 not author that particular warrant.

5 Q. Okay. And could Officer Shelley -- well, do you
6 know whether Officer Shelley saw the swinging motion
7 towards you?

8 A. I do not believe so.

9 Q. Okay. And at the time that that swinging motion
10 happened, where was Officer Shelley? If you know.

11 A. He was attempting to relocate the patrol car. I
12 believe he had lost sight of us.

13 Q. Okay. So after you left the patrol car, when
14 was the next time that you can remember seeing Officer
15 Shelley?

16 A. I was able to locate Officer Shelley, I believe,
17 after running back up the embankment there. I remember
18 yelling for him in an effort to try to locate him.

19 MS. MILLER: Okay. Those are all of my
20 questions.

21 RECROSS EXAMINATION

22 BY MR. JOHNSON:

23 Q. Officer Grubbs, the internal affairs
24 investigation, you told me that they interviewed you.
25 Did they tape your interview?

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1 A. The interview was recorded.

2 Q. Was it video?

3 A. I believe there is video and audio. I can't
4 speak to that 100 percent.

5 Q. Did you have to sign any type of a transcript or
6 any type of a written statement as part of that
7 investigation?

8 A. I signed a truthfulness statement.

9 Q. I didn't hear what you said. Sorry.

10 A. I signed a truthfulness statement.

11 Q. What's that mean?

12 A. Oh, it's just a statement that you will provide
13 factual and honest information.

14 Q. Okay. Have you ever seen a transcript of that
15 interview that you gave?

16 A. I have.

17 Q. Did -- where -- where is -- where have you seen
18 that transcript?

19 A. It was e-mailed to me at a unknown date and
20 time.

21 Q. Approximately how long ago?

22 A. Maybe upwards of a year ago possibly. I'm not
23 100 percent sure.

24 Q. Do you have a copy of that at home?

25 A. Somewhere around here, I do.

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1 Q. Okay.

2 MR. JOHNSON: Counsel, we have never been given
3 that transcript. We'd like a copy of it, please, right
4 now.

5 MS. MILLER: I don't have a copy of it right
6 now, but I can definitely send you a copy of it --

7 MR. JOHNSON: Okay.

8 MS. MILLER: -- once I have it.

9 MR. JOHNSON: Then I obviously reserve the right
10 to take -- or Officer Grubbs' deposition again after we
11 get that.

12 Q. (By Mr. Johnson) Officer Grubbs, you are not
13 saying under oath that my client tripped and fell before
14 you Tased him, are you?

15 A. I'm saying that it's a possibility.

16 Q. Not my question.

17 When you shot him with the Taser, he was still
18 standing fully up, wasn't he?

19 A. He was standing. Is it possible he tripped or
20 fell, yes.

21 Q. When you shot your Taser, he was standing up
22 running away from you, wasn't he? Yes or no.

23 A. He was standing up and running.

24 Q. Okay. So at least as of the time that you had
25 Tasered him, he would -- had not tripped and fall- --

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1 fallen based on what you saw.

2 A. Not from what I saw from my vantage point.

3 Q. Tell me, if you had your camera off for the rest
4 of your break in the jail, why did you think it was on if
5 you never turned it back on and you knew you had never
6 turned it back on?

7 A. I did not know that. I didn't realize it.

8 Q. You didn't know that you didn't turn it back on.

9 A. That is correct.

10 Q. You forgot to turn it back on.

11 A. That's correct.

12 Q. But then there would be no reason for you to
13 think it was on, right?

14 A. (No audible response.)

15 THE COURT REPORTER: I couldn't hear you Officer
16 Grubbs. I'm sorry.

17 THE WITNESS: (No audible response.)

18 MR. JOHNSON: Sorry. We don't -- I guess -- I
19 don't have any audio on you that -- Officer Grubbs, right
20 now.

21 THE WITNESS: (No audible response.)

22 MR. JOHNSON: Officer Grubbs, if -- try -- try
23 sounding one more time.

24 THE WITNESS: (No audible response.)

25 MR. JOHNSON: Okay. We obviously are having

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1 audio trouble with Officer Grubbs.

2 THE VIDEOGRAPHER: Let me read us off the record
3 real quick if I could.

4 We're going off the record. Universal time is
5 2109. We are now off the record.

6 (Whereupon, a discussion was held off the
7 record.)

8 MR. JOHNSON: Okay. Go back on the record.

9 THE VIDEOGRAPHER: Stand by, please.

10 We're going back on the record. Universal time
11 is 2110.

12 MR. JOHNSON: I know that Officer Grubbs is
13 having audio trouble, but obviously, we've been at this
14 all day anyway.

15 So I would like to get that transcript. I would
16 like to get the blue sheet and any other obviously
17 investigation documents that we don't have that exist.

18 But other than that, I got no more questions
19 today. Thank you very much. Have a good day, Officer.
20 Thank you.

21 THE WITNESS: Thank you.

22 MS. MILLER: Thank you.

23 THE VIDEOGRAPHER: This concludes the videotaped
24 deposition. We're now going off the record. Universal
25 record is 2110. We are now off the record.

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(Whereupon, the deposition concluded at
4:10 p.m.)

OFFICER JON GRUBBS

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C E R T I F I C A T E

STATE OF GEORGIA,

COUNTY OF DEKALB:

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND
CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN DOWN BY ME IN
THE CASE AFORESAID. THIS CERTIFICATION IS EXPRESSLY
WITHDRAWN AND DENIED UPON THE DISASSEMBLY OR PHOTOCOPYING
OF THE FOREGOING TRANSCRIPT, OR ANY PART THEREOF, UNLESS
SAID DISASSEMBLY OR PHOTOCOPYING IS DONE BY THE
UNDERSIGNED CERTIFIED COURT REPORTER AND ORIGINAL
SIGNATURE AND SEAL IS ATTACHED THERETO.

THIS, THE 3RD DAY OF FEBRUARY, 2021.

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